

DEPARTMENT OF THE ARMY PERMIT

Permittee: Florida Department of Transportation - District One

Permit No: SAJ-2007-4503 (IP-JPF)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, mean the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The applicant proposes to permanently impact approximately 3.53 acres of surface waters and 79.1 acres of wetlands to construct two additional travel lanes along an approximately 8-mile section of I-75, with attendant stormwater management facilities. The project is also referenced as FPID Number 420655, and as 'Segment B'. As mitigation for the wetland impacts, the applicant will purchase 3.33 freshwater forested wetland credits from the Corkscrew Regional Mitigation Bank and 28.36 credits (21.07 freshwater forested and 7.29 freshwater herbaceous) credits from the Big Cypress Mitigation Bank..

Geographic Position (Center Point of Project):

Latitude 26.389 N

Longitude -81.773 W

Project Location: The project site includes approximately eight miles of I-75 from the Collier County/Lee County line to south of Corkscrew Road, in Sections 35 and 36, Township 46 South, Range 25 East, Sections 1, 2, 11, 12, 13, 14, 24, 25, and 36, Township 47 South, Range 25 East, 30 and 31, Township 47 South, Range 23 East, Section 1, Township 48 South, Range 25 East, and Section 6, Township 48 South, Range 26 East, in Lee County, Florida.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on March 25, 2013. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer,

you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232. The Permittee shall reference this permit number, SAJ-2007-4884 (IP-JPF), on all submittals.

2. Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. The Corps has determined that the functions provided by the 3.53 acres of surface waters to be impacted, including water quality and quantity treatment, will be adequately replaced by the project's proposed water management system as permitted by the South Florida Water Management District. No other mitigation is required for these 3.53 acres of impact.

4. Within 30 days from the date of initiating the authorized work or 12 months from the effective date of this permit, whichever first occurs, the Permittee shall provide verification to the Corps that 3.33 freshwater forested wetland credits have been purchased from the Corkscrew Regional Mitigation Bank (SAJ-1998-4673) and 28.36 federal mitigation bank credits (21.07 freshwater forested and 7.29 freshwater herbaceous) have been purchased from the Big Cypress Mitigation Bank (SAJ-1997-6400). The required verification shall reference this project's permit number (SAJ-2007-4503). This mitigation compensates for the direct impacts to 79.1 acres of wetlands and the secondary impacts associated with this project.

5. Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit to the Corps. In the event that the

completed work deviates, in any manner, from the authorized work, the Permittee shall describe, on the Self-Certification Form, the deviations between the work authorized by the permit and the work as constructed. Please note that the description of any deviations on the Self-Certification Form does not constitute approval of any deviations by the Corps.

6. This DA permit does not authorize the construction of the culverts described in the SFWMD environmental resource permit. The permittee may request a modification of this permit to allow this construction, however. The Corps strongly recommends that the permittee submit a completed study demonstrating that the culverts would have no adverse impacts to upstream waters of the United States such as dewatering or flooding, and no similar adverse impacts to areas downstream as part of the modification request.

7. SFWMD's environmental resource permit No. 36-03802-P and its special conditions are made a part of this DA permit. For the purposes of compliance with this DA permit, where the conditions of the SFWMD and DA permits conflict, the DA permit shall apply.

8. A modification of SFWMD environmental resource permit 36-03802-P does not automatically constitute a modification of this DA permit. If the permittee proposes to change any part of the authorized activity, including the mitigation, it is the permittee's responsibility to request a modification of this DA permit from this office.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

☐ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

☒ Section 404 of the Clean Water Act (33 U.S.C. 1344).

☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, and local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.


Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

 03/25/08
(PERMITTEE) (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

 25-Mar-2008
(DISTRICT ENGINEER) (DATE)
Paul L. Grosskruger
Colonel, U.S. Army

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFeree - SIGNATURE) (DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)



FORM #0157
Rev. 0895

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
PERMIT MODIFICATION NO. 36-03802-P
DATE ISSUED: FEBRUARY 14, 2008**

PERMITTEE: FLORIDA DEPARTMENT OF TRANSPORTATION
(I-75 COLLIER/LEE CO. LINE NORTH TO CORKSCREW RO,
P O BOX 1249,
BARTOW, FL 33831-1249

ORIGINAL PERMIT ISSUED: MAY 16, 2000

ORIGINAL PROJECT DESCRIPTION: ORIGINAL PERMIT ISSUED AS A GENERAL PERMIT.

APPROVED MODIFICATION : CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM SERVING 408.23 ACRES OF ROADWAY IMPROVEMENTS KNOWN AS INTERSTATE 75 SEGMENT "B", FROM THE COLLIER/LEE COUNTY LINE NORTH TO CORKSCREW ROAD IN LEE COUNTY WITH DISCHARGE INTO WATERS OF ESTERO BAY VIA EXISTING CONVEYANCE SYSTEMS.

PROJECT LOCATION: LEE COUNTY, SECTION 35,36 TWP 46S RGE 25E
SECTION 1,2,11,12,13,14,24,25,36 TWP 47S RGE

PERMIT DURATION: See Special Condition No.1. See attached Rule 40E-4.321, Florida Administrative Code.

This Permit Modification is approved pursuant to Application No. 070803-18, dated August 2, 2007. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of any activities authorized by this Permit. This Permit is issued under the provisions of Chapter 373, Part IV Florida Statutes(F.S.), and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 F.S. between South Florida Water Management District and the Department of Environmental Protection. Issuance of this Permit constitutes certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, unless this Permit is issued pursuant to the net improvement provisions of Subsections 373.414(1)(b), F.S., or as otherwise stated herein.

This Permit Modification may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, F.S., and Sections 40E-4.351(1), (2), and (4), Florida Administrative Code (F.A.C.). This Permit Modification may be transferred pursuant to the appropriate provisions of Chapter 373, F.S., and Sections 40E-1.6107(1) and (2), and 40E-4.351(1), (2), and (4), F.A.C.

All specifications and special and limiting/general conditions attendant to the original Permit, unless specifically rescinded by this or previous modifications, remain in effect.

This Permit Modification shall be subject to the Environmental Resource Permit set forth in Rule 40E-4.381, F.A.C., unless waived or modified by the Governing Board. The Application, and Environmental Resource Permit Staff Review Summary of the Application, including all conditions, and all plans and specifications incorporated by reference, are a part of this Permit Modification. All activities authorized by this Permit Modification shall be implemented as set forth in the plans, specifications, and performance criteria as set forth and incorporated in the Environmental Resource Permit Staff Review Summary. Within 30 days after completion of construction of the permitting activity, the Permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual, pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.361 and 40E-4.381, F.A.C.

In the event the property is sold or otherwise conveyed, the Permittee will remain liable for compliance with this Permit until transfer is approved by the District pursuant to Rule 40E-1.6107, F.A.C.

SPECIAL AND GENERAL CONDITIONS ARE AS FOLLOWS:

SEE PAGES 2 - 5 OF 8 (23 SPECIAL CONDITIONS).

SEE PAGES 6 - 8 OF 8 (19 GENERAL CONDITIONS).

PERMIT MODIFICATION APPROVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT

ON _____ ORIGINAL SIGNED BY:

BY _____ ELIZABETH VEGUILLA

DEPUTY CLERK

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SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on February 14, 2013.
2. Operation of the surface water management system shall be the responsibility of FLORIDA DEPARTMENT OF TRANSPORTATION.
3. Discharge Facilities:

Sub-basin B1, Structure: B-107

1-14" WIDE RECTANGULAR weir with crest at elev. 12.5' NGVD 29.

1-3" dia. CIRCULAR ORIFICE with invert at elev. 11.5' NGVD 29.

Receiving body : Imperial River via roadside swales

Control elev : 11.5 feet NGVD 29. /11.5 FEET NGVD 29 DRY SEASON.

Sub-basin B-5D, Structure: B-206

1-9 WIDE RECTANGULAR weir with crest at elev. 9.6' NGVD 29.

1-3" dia. CIRCULAR ORIFICE with invert at elev. 9' NGVD 29.

Receiving body : Imperial River via roadside swales

Control elev : 9 feet NGVD 29. /9 FEET NGVD 29 DRY SEASON.

Sub-basin B-7C, Structure: B-301

1-16" WIDE RECTANGULAR weir with crest at elev. 8.2' NGVD 29.

1-3" dia. CIRCULAR ORIFICE with invert at elev. 7.5' NGVD 29.

Receiving body : Imperial River via roadside swales

Control elev : 7.5 feet NGVD 29. /7.5 FEET NGVD 29 DRY SEASON.

Sub-basin B-9B, Structure: B-404

1-20" WIDE RECTANGULAR weir with crest at elev. 13.4' NGVD 29.

1-4" dia. X 12.8 deg. CIRCULAR ORIFICE with invert at elev. ' NGVD 29.

Receiving body : Leitner Creek via roadside swales

Control elev : 12.8 feet NGVD 29. /12.8 FEET NGVD 29 DRY SEASON.

Sub-basin 13B, Structure: B-501

4-36" WIDE RECTANGULAR weirs with crest at elev. 14.4' NGVD 29.

3-3" dia. CIRCULAR ORIFICES with invert at elev. 14' NGVD 29.

Receiving body : Halfway Creek via roadside swales

Control elev : 14 feet NGVD 29. /14 FEET NGVD 29 DRY SEASON.

Sub-basin B-14G, Structure: B-603

4-18" WIDE RECTANGULAR weirs with crest at elev. 15' NGVD 29.

2-3" dia. CIRCULAR ORIFICES with invert at elev. 14.3' NGVD 29.

Receiving body : Spring Creek via roadside swales

Control elev : 14.3 feet NGVD 29. /14.3 FEET NGVD 29 DRY SEASON.

Sub-basin B-16, Structure: B-701

4-46" WIDE RECTANGULAR weirs with crest at elev. 15.9' NGVD 29.

3-3" dia. CIRCULAR ORIFICES with invert at elev. 15.5' NGVD 29.

Receiving body : Halfway Creek via roadside swales

Control elev : 15.5 feet NGVD 29. /15.5 FEET NGVD 29 DRY SEASON.

Sub-basin B-19B, Structure: B-801

4-28" WIDE RECTANGULAR weirs with crest at elev. 16.7' NGVD 29.

3-3" dia. CIRCULAR ORIFICES with invert at elev. 16.2' NGVD 29.

Receiving body : Halfway Creek via roadside swales

Control elev : 16.2 feet NGVD 29. /16.2 FEET NGVD 29 DRY SEASON.

4. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
5. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
6. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
7. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.
8. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
9. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
10. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.
11. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
12. The permittee acknowledges, that pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.
13. The exhibits and special conditions in this permit apply only to this application. They do not supersede or delete any requirements for other applications covered in Permit No. 36-03802-P unless otherwise specified herein.
14. In accordance with the terms herein, a flood study (the study) shall be undertaken by the South Florida Water Management District (District) and Lee County (the County) to verify and validate the findings and material assumptions of the South Lee County Watershed Plan (July 1999) (SLCWP), as specified below. Among other components, which may be agreed upon by the district and county, the study shall, at a minimum, address and include:
 - (A) The required flow and conveyance capacity to restore flows to Halfway Creek, the South Branch of Estero River and Spring Creek.
 - (B) Identification of downstream impediments to required flow.
 - (C) The model established under Phase I; Hydrologic - Hydraulic Model Development shall be reviewed for its accuracy to determine flow rates for (a) above based on changes to land uses and incorporation or implementation of any of the SLCWP elements since its completion. This shall also include validation of the computer models utilized in the SLCWP that would have any impact on (a) above.
 - (D) Phase II: Ecological Assessment shall be reviewed for its accuracy and relevance to current ecological goals, objectives and problems as identified in the latest Southwest Florida Feasibility Study draft work products.

(E) Phase III: Problem Identification & Plan Formulation shall be reviewed and updated to reflect work completed to date and any changes resulting from the review of Phase I and II above.

(F) Amendment No. 1 of the SLCWP shall be updated based on above findings including, but not limited to verification of or recommended changes to flow distributions to receiving waterbodies.

(G) Verification of upstream/inflow (1055 cfs which was permitted by the SFWMD for The Brooks project) and downstream conveyance capacity.

2. The Study shall be completed by the District in consultation and cooperation with Lee County. Within 60 days of issuance of the permit, the District and County shall enter into a Joint Participation Agreement (JPA) that shall, among other things, establish shared funding and any mutually agreed upon additional Study goals or parameters not identified herein. The JPA shall also establish and identify the consulting team to undertake the Study.

3. The Study shall utilize the best available information including incorporating relevant information from the County's DR/GR Study and the associated surface water and groundwater modeling efforts. In addition, control elevations shall be established to avoid dewatering of upstream wetland systems east of I-75, and to ensure that the culverts shall not cause or contribute to County's Wellfield hydrological or water resource impacts. The upstream control elevation shall be based on the wet season water table information established from the County water table monitoring network and other available field identifiers until such time a wetland determination that establishes aerial extent, rim elevation and Uniform Mitigation Assessment Method (UMAM) scores for the property located east of I-75 in Application 050112-18 (Lee County Conveyance Project) is completed and indicates otherwise.

4. Lee County will monitor ambient water quality conditions in Halfway Creek at US Highway 41 bridge.

5. The Study shall be concluded in 15 months or less, and accepted by the District and the County within such timeframe in order to remain consistent with FDOT's I-75 construction timetable and will avoid any construction delays. Completion of the Study within 15 months or less shall insure that the Study will be utilized as a basis for determining the number, control, and invert elevation of the culverts before their installation is necessitated by the FDOT's design/build contract. Should the Study not be completed within the 15 month timetable the 5 - 60" culverts will be constructed prior to the completion of the 36 month construction timetable and will not be operational until authorized by the District Governing Board approving a modification to this permit.

6. The County reserves the right to establish its own review process for acceptance of the Study within the 15 month timetable noted above.

7. Once the proper sizing, location, elevations (both the invert and control) of the culverts, based upon the Study, are determined, the FDOT is hereby authorized to construct the 5 - 60" RCP culverts, or the number and design of the culverts as determined by the Study. However, this permit shall only constitute authorization to operate 3 of the 5 \pm 60" RCP culverts in an amount not to exceed 225 cubic feet per second if the Study validates and justifies the need to operate same. Should the Study validate and justify the need to construct and operate any additional culverts, then the FDOT shall apply to the District for a permit modification to be authorized by the Governing Board. In no event shall any culverts be constructed or operated prior to the completion and acceptance of the Study within the 15 month period.

15. The permittee shall comply with the provisions of the fox squirrel habitat management plan approved for the project site in accordance with Exhibit No. 3.5. Prior to initiating construction activities, the site shall be surveyed for the presence of active Big Cypress fox squirrel nests. A 125 foot radius undisturbed buffer must be maintained around all active nests. Following nesting activities, the nesting tree may be removed following coordination with the Florida Fish and Wildlife Conservation Commission and obtaining all required permits.

Any modifications to this program shall require prior written approval from District staff.

16. Endangered species, threatened species and/or species of special concern have been observed onsite and/or the project

contains suitable habitat for these species. It shall be the permittee's responsibility to coordinate with the Florida Fish and Wildlife Conservation Commission and/or the U.S. Fish and Wildlife Service for appropriate guidance, recommendations and/or necessary permits to avoid impacts to listed species.

17. Prior to commencement of construction and in accordance with the work schedule in Exhibit No. 3.6, the permittee shall submit documentation from the Florida Department of Environmental Protection that 3.33 freshwater forested credits have been deducted from the ledger for Corkscrew Regional Mitigation Bank. In addition, the permittee shall submit documentation that 21.07 freshwater forested credits and 7.29 freshwater herbaceous credits have been deducted from the ledger for Big Cypress Mitigation Bank.
18. Minimum road crown elevation:
 - Basin: Sub-basin B1 - 19.50 feet NGVD 29.
 - Basin: Sub-basin B-5D - 22.50 feet NGVD 29.
 - Basin: Sub-basin B-7C - 22.50 feet NGVD 29.
 - Basin: Sub-basin B-9B - 19.50 feet NGVD 29.
 - Basin: Sub-basin 13B - 19.50 feet NGVD 29.
 - Basin: Sub-basin B-14G - 19.50 feet NGVD 29.
 - Basin: Sub-basin B-16 - 21.30 feet NGVD 29.
 - Basin: Sub-basin B-19B - 21.50 feet NGVD 29.
19. Prior to the commencement of construction, the permittee shall conduct a pre-construction meeting with field representatives, contractors and District staff. The purpose of the meeting will be to discuss construction methods and sequencing, including type and location of turbidity and erosion controls to be implemented during construction, mobilization and staging of contractor equipment, phasing of construction, methods of vegetation clearing, construction dewatering if required, ownership documentation for eminent domain authority, coordination with other entities on adjacent construction projects, wetland/buffer protection methods, endangered species protection] with the permittee and contractors. The permittee shall contact District Environmental Resource Compliance staff from the Lower West Coast Service Center at (239) 338-2929 to schedule the pre-construction meeting.
20. Upon completion of culvert(s) installation and prior to fitting the ends with masonry plugs, the applicant will schedule culvert(s) inspection with the South Florida Water Management District's Lower West Coast District Enforcement and Compliance (LWCEC) staff in order to allow proper inspection and validation of the culvert(s) condition. This activity must take place prior to engaging in culvert(s) plugging or capping activities and written confirmation received from LWCEC staff.
21. Prior to the commencement of construction, the perimeter of preserved and adjacent protected wetlands shall be staked/roped/fenced to prevent encroachment into the protected areas. Using Global Positioning System (GPS) technology, the perimeter of the preserve area(s) shall be identified for future reference. The data shall be differentially corrected and accurate to less than a meter (+/- one meter or better). Electronic copies of the GPS data shall be provided to the District's Environmental Resource Compliance staff at the time of the preconstruction meeting. The permittee shall notify the District's Environmental Resource Compliance staff in writing upon completion of the staking/roping/fencing and schedule an inspection of this work. The staking/roping/fencing shall be subject to District staff approval. The permittee shall modify the staking/roping/fencing if District staff determines that it is insufficient or is not in conformance with the intent of this permit. The staking/roping/fencing shall remain in place until all adjacent construction activities are complete.
22. Prior to the commencement of construction and pursuant to Subsection 40E-4.101(2), F.A.C., the permittee shall demonstrate ownership of the project area to the District's Environmental Resource Compliance staff.
23. Plan sheets B-400 through B-632 consisting of the roadway cross sections, are signed, sealed, and dated by David W. Gilbert, P.E. are incorporated by reference into this permit modification and will be retained in this permit file. Exhibits 2.2 through 2.80 and 2.82 through 2.203, signed and sealed by Alphonse Stewart and Exhibits 2.204 through 2.216 signed and sealed by Larry Moore, are also attached by reference.

GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373. F.S.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.
5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.
6. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.
7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee

shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.
9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.
10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.
11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..
12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No Notice" Rule.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

ENVIRONMENTAL RESOURCE PERMITS CHAPTER 40E-4 (01/07)

40E-4.321 Duration of Permits.

(1) Unless revoked or otherwise modified the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C., is as follows:

(a) For a conceptual approval, two years from the date of issuance or the date specified as a condition of the permit, unless within that period an application for an individual or standard general permit is filed for any portion of the project. If an application for an environmental resource permit is filed, then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual or standard general environmental resource permit applications filed for a period of two years shall expire automatically at the end of the two year period.

(b) For a conceptual approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive plan amendment, the duration of the conceptual approval shall be two years from whichever one of the following occurs at the latest date:

1. The effective date of the local government's comprehensive plan amendment,
2. The effective date of the local government development order,
3. The date on which the District issues the conceptual approval, or 4. The date on which the

District issues a final order pertaining to the resolution of any Section 120.57, F.S., administrative proceeding or other legal appeals.

(c) For an individual or standard general environmental resource permit, the construction phase authorizing construction, removal, alteration or abandonment of a system shall expire five years from the date of issuance or such amount of time as made a condition of the permit.

(d) For an individual or standard general environmental resource permit, the operational phase of the permit is perpetual for operation and maintenance.

(e) For a noticed general permit issued pursuant to Chapter 40E-400, F.A.C., five years from the date the notice of intent to use the permit is provided to the District.

(2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made by electronic mail at the District's e-Permitting website or in writing pursuant to subsection (3), the permit shall remain in full force and effect until:

1. The Governing Board takes action on an application for extension of an individual permit, or
2. Staff takes action on an application for extension of a standard general permit.

(b) Installation of the project outfall structure shall not constitute a vesting of the permit.

(3) The permit extension shall be issued provided that a permittee files a written request with the District showing good cause prior to the expiration of the permit. For the purpose of this rule, good cause shall mean a set of extenuating circumstances outside of the control of the permittee. Requests for extensions, which shall include documentation of the extenuating circumstances and how they have delayed this project, will not be accepted more than 180 days prior to the expiration date.

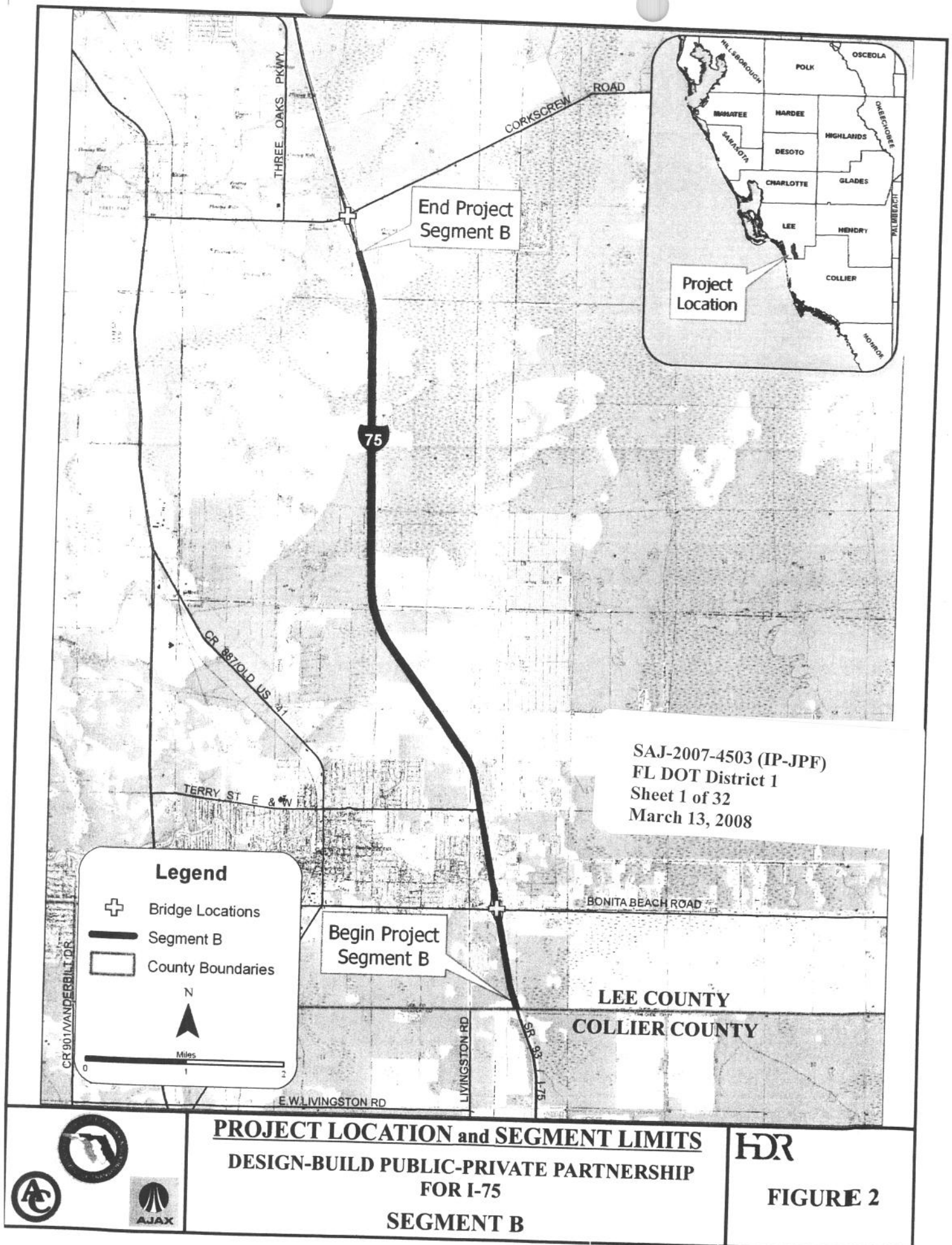
(4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for two years from the date of issuance of the modification. For the purposes of this section, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different water resource or environmental impacts which require a detailed review.

(5) Substantial modifications to individual or standard general environmental resource permits issued pursuant to a permit application extend the duration of the permit for three years from the date of issuance of the modification. Individual or standard general environmental resource permit modifications do not extend the duration of a conceptual approval.

(6) Permit modifications issued pursuant to paragraph 40E-4.331(2)(b), F.A.C. (letter modifications) do not extend the duration of the permit.

(7) Failure to complete construction or alteration of the surface water management system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization in order to continue construction unless a permit extension is granted.

Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.413, 373.416, 373.419, 373.426, 668.003, 668.004, 668.50 FS. History-New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(4), Amended 7-1-86, 4-20-94, 10-3-95, 5-28-00, 10-1-06.



4503 (IP-JPF)
District 1
32
2008

LEGEND

- PERMANENT WETLAND IMPACT
- PERMANENT OSH IMPACT
- WORK OVER WATERS
- SECONDARY WETLAND IMPACTS

PROPOSED IMPACTS SEGMENT B

STATES OF FLORIDA DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	PROJECT ID
93	LEE	420655-1-52-01

DRAWN BY: DAVID M. GILBERT, P.E.
P.E. LICENSE NUMBER: 4468
HDR Engineering, Inc.
2500 N. West Shore Blvd., Suite 250
Fort Lee, FL 34949
CERTIFICATE OF AUTHORIZATION #33

HDR
HDR Engineering, Inc.

REVISIONS

DATE	BY	DESCRIPTION

MATCHLINE STA 451+00
MATCHLINE STA 165+00

SEE SHEET 49
SEE SHEET 49
SEE SHEET 49

POND B-50
POND B-7


LA R/W LINE
R/W LINE

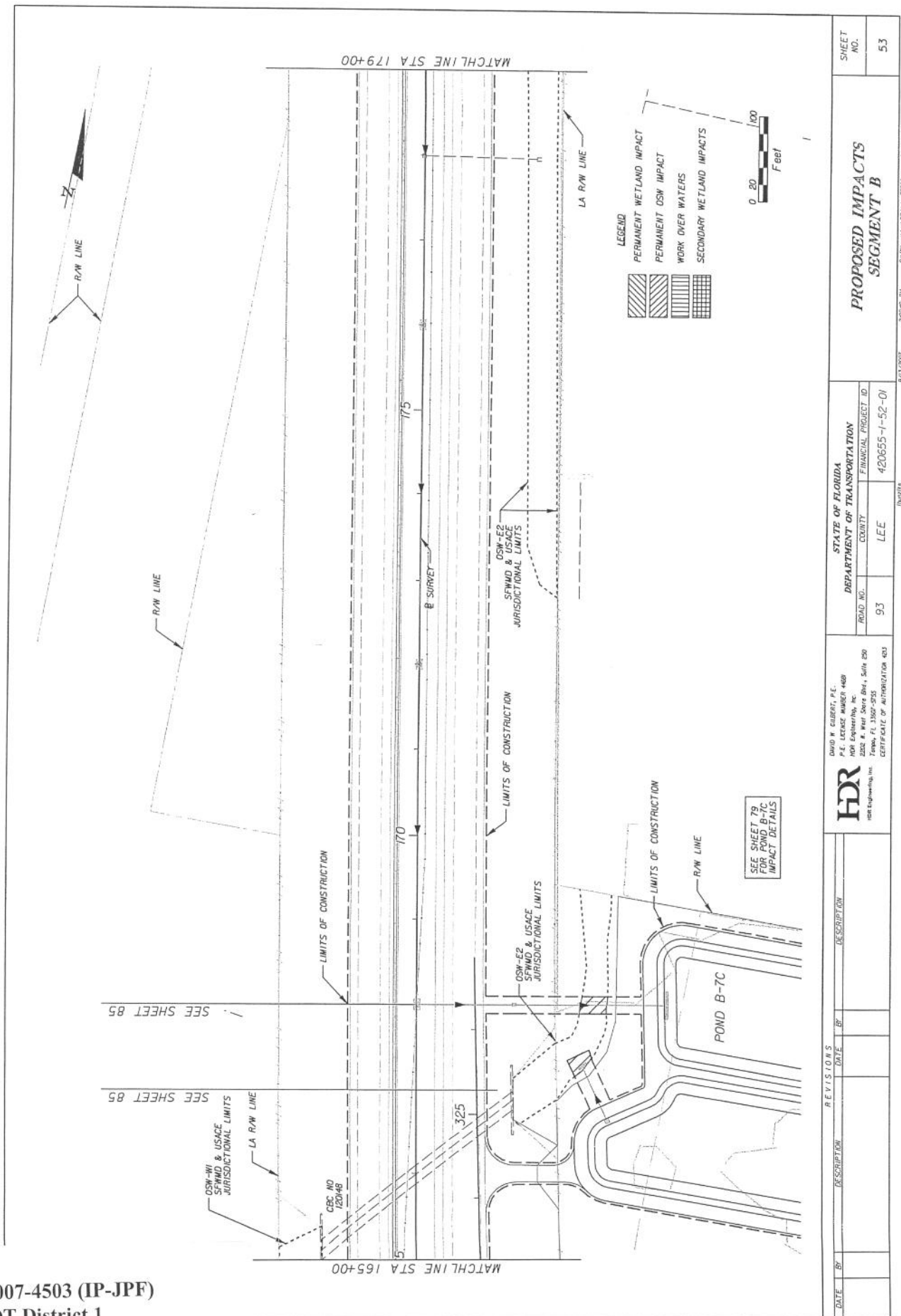
LIMITS OF CONSTRUCTION
WETLAND E-I JURISDICTIONAL LIMITS
OSW-WI SFWD & USACE JURISDICTIONAL LIMITS

IMPERIAL RIVER
PT STA. 317+83.30
BR NO 12044
BR NO 12046

N 89° 32' 20" E
0 20 100 Feet

SEE SHEET 78 FOR POND B-50 IMPACT DETAILS

DATE		BY	DESCRIPTION		REVIEWS	
				DESCRIPTION	BY	DATE
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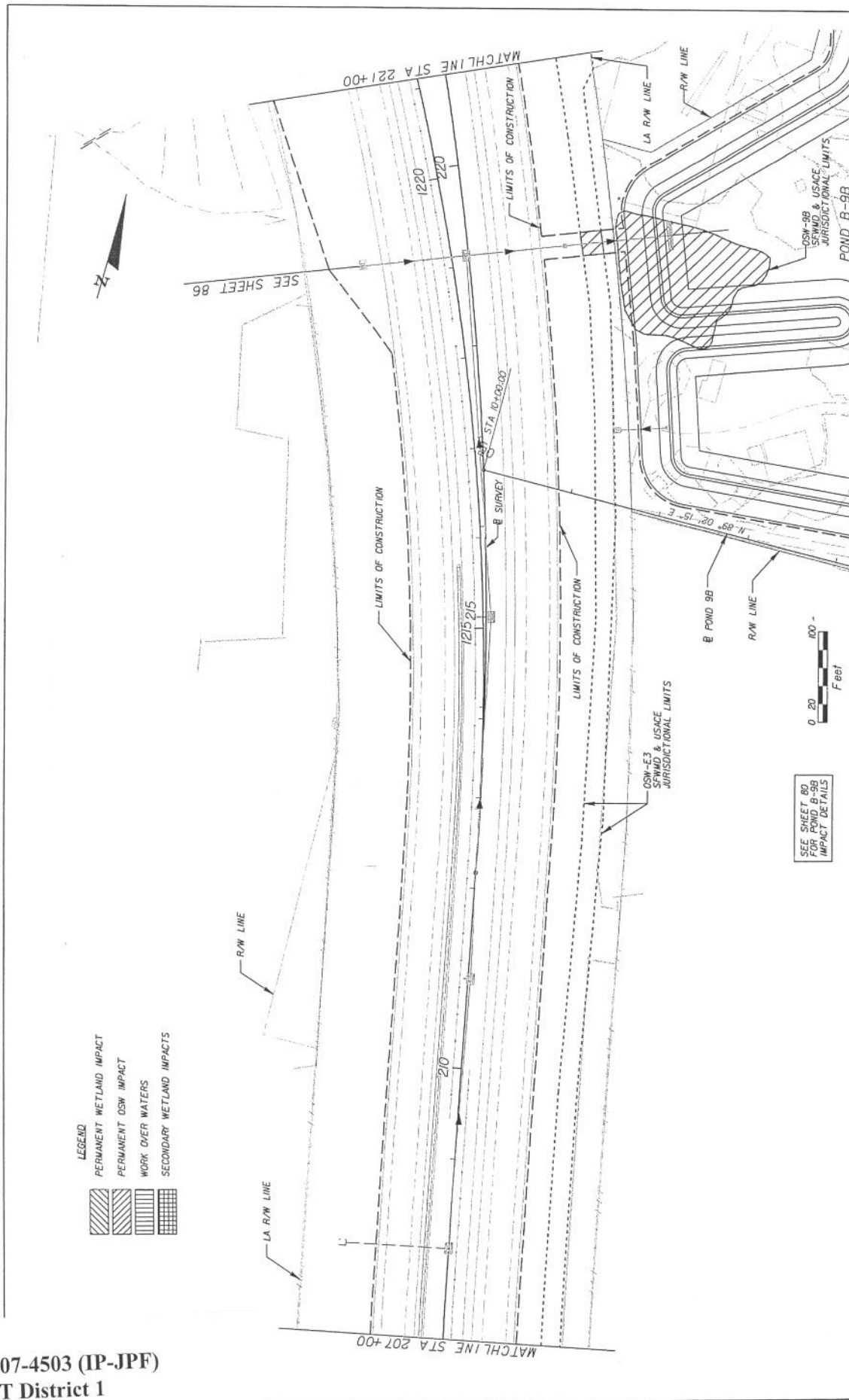


REVISIONS		DESCRIPTION	
DATE	BY	DESCRIPTION	DATE

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		PROPOSED IMPACTS SEGMENT B	
ROAD NO.	COUNTY	FINANCIAL PROJECT ID	SHEET NO.
93	LEE	420655-1-52-01	53

DR. W. CURTIS, P.E.
 PROJECT ENGINEER
 HDR Engineering, Inc.
 2202 N. West Oaks Blvd., Suite 200
 Tampa, FL 33607-5755
 CERTIFICATE OF AUTHORIZATION 403

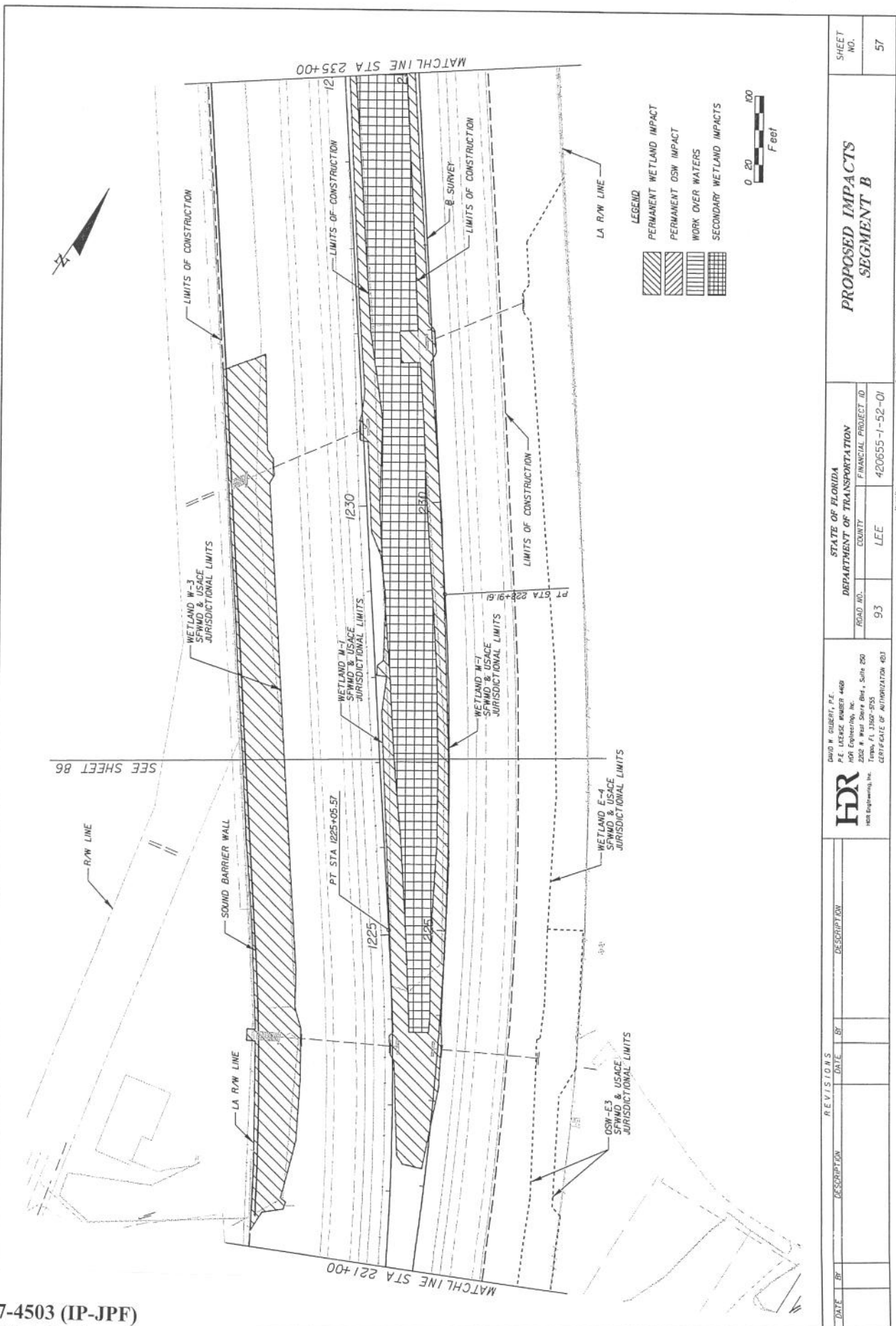
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DATE	BY	DESCRIPTION	ROAD NO.	COUNTY	FINANCIAL PROJECT ID	420655-1-52-01			
			93	LEE					
			DAVID W. CLURBET, P.E. P.E. LICENSE NUMBER 1440 HDR Engineering, Inc. 2225 N. West Shera Blvd., Suite 250 Tampa, FL 33607-5755 CERTIFICATE OF AUTHORIZATION 4213			HDR HDR Engineering Inc.			56

HR
 HOF Engineering, Inc.
 2250 N. West Shore Blvd., Suite 250
 Tampa, FL 33607-5755
 P.E. LICENSE NUMBER 4480
 P.E. LICENSE NUMBER 4480
 CERTIFICATE OF AUTHORIZATION 403

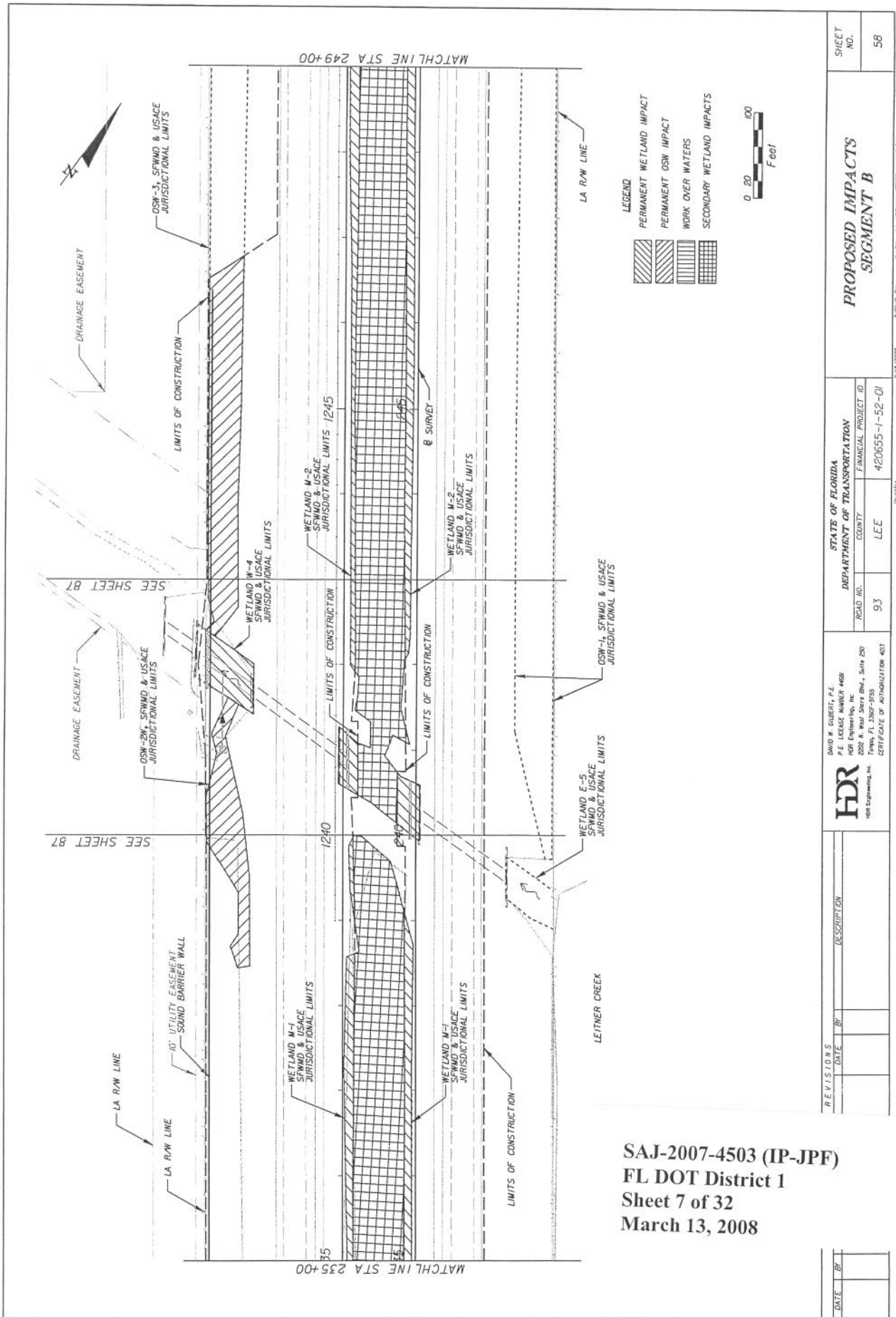
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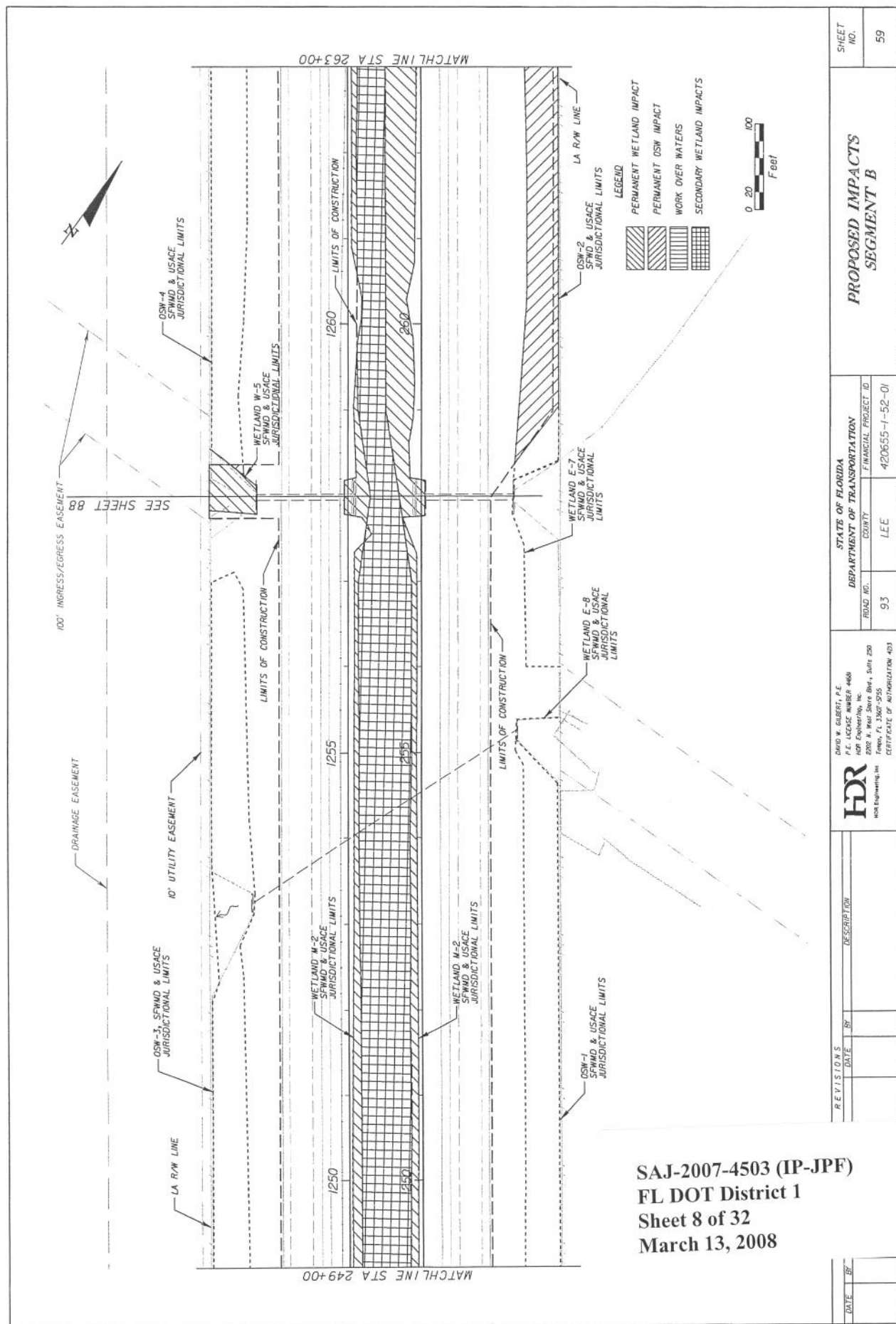


REVISIONS				STATE OF FLORIDA				PROPOSED IMPACTS				SHEET NO.
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION	ROAD NO.	COUNTY	FINANCIAL PROJECT ID	LEE	420655-1-52-01	SEGMENT B	
						93	LEE					57

HR
 H&R ENGINEERING, INC.
 2502 N. West Shore Blvd., Suite 250
 Tampa, FL 33607-9553
 P.E. LICENSE NUMBER 4488
 P.E. LICENSE NUMBER 4488
 CERTIFICATE OF AUTHORIZATION 401

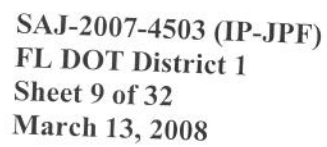
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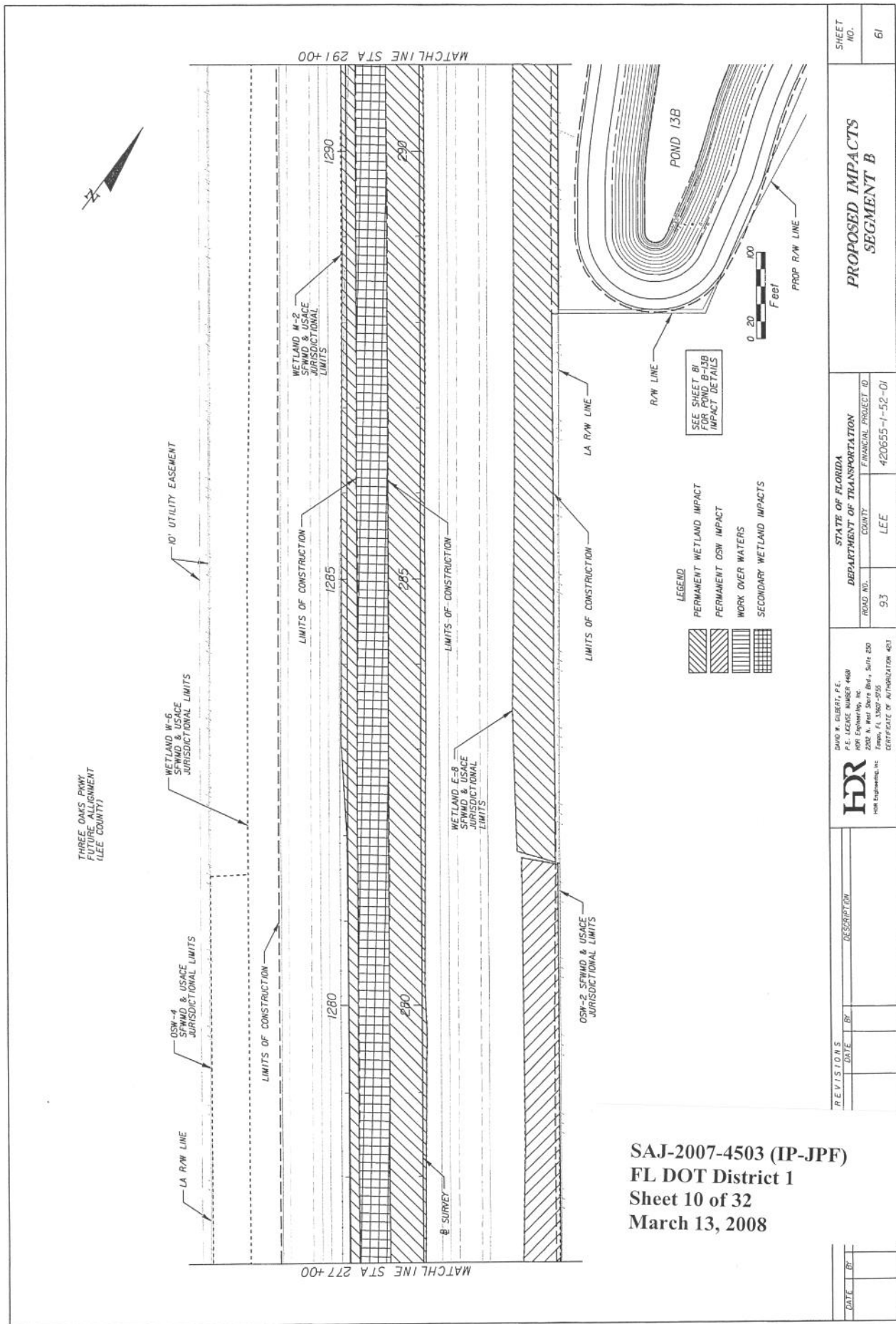




SAJ-2007-4503 (IP-JPF)
 FL DOT District 1
 Sheet 8 of 32
 March 13, 2008

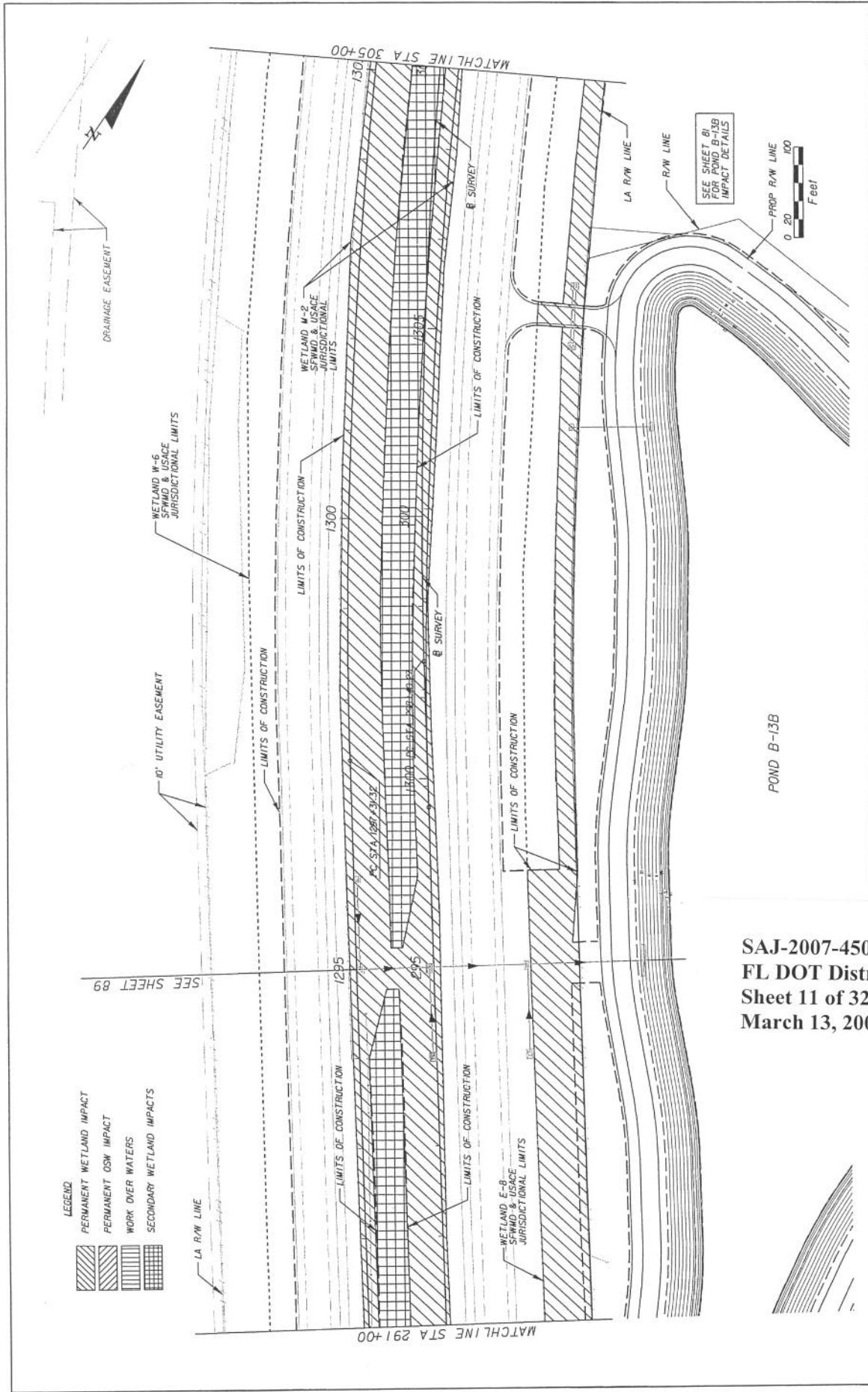
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SAJ-2007-4503 (IP-JPF)
 FL DOT District 1
 Sheet 10 of 32
 March 13, 2008

REVISIONS DATE BY DESCRIPTION		STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ROAD NO. 93 COUNTY LEE PROJECT ID 420655-1-52-01		SHEET NO. 61
H&R H&R Engineering, Inc. 2500 N. West Shore Blvd., Suite 250 Tampa, FL 33607-5955 CERTIFICATE OF AUTHORIZATION 4203		SAJ-2007-4503 (IP-JPF) FL DOT District 1 Sheet 10 of 32 March 13, 2008		C:\Working\174\SAJ-2007-4503\IP-JPF\B-13B\B-13B.WPG 2/20/07 PM 2:00:25



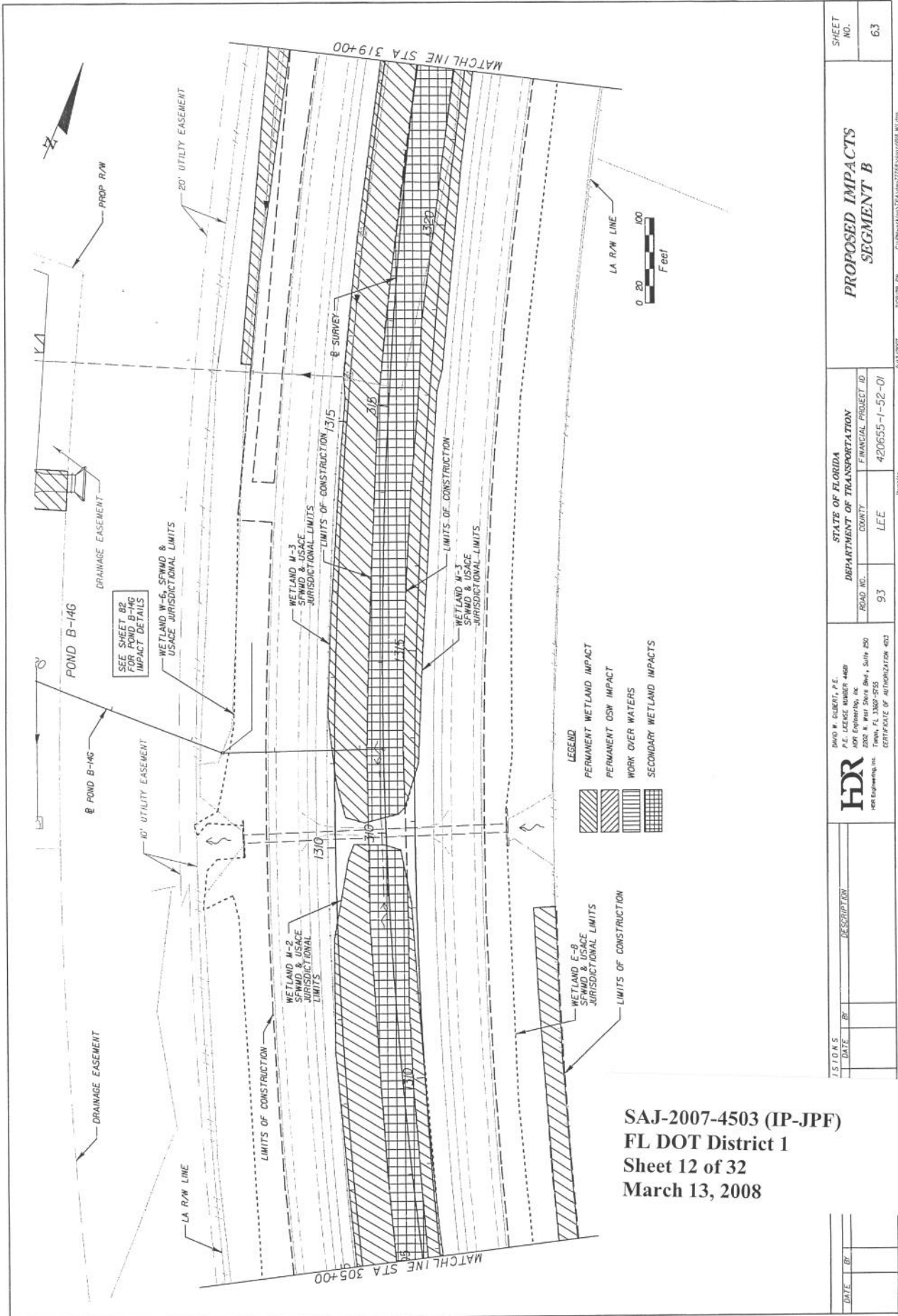
LEGEND

	PERMANENT WETLAND IMPACT
	PERMANENT OSW IMPACT
	WORK OVER WATERS
	SECONDARY WETLAND IMPACTS

SAJ-2007-4503 (IP-JPF)
 FL DOT District 1
 Sheet 11 of 32
 March 13, 2008

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ROAD NO. 93 COUNTY LEE FINANCIAL PROJECT ID 420655-1-52-01		SHEET NO. 62 6/13/2007 4:40 PM C:\pwworking\TFA\SAJ-2007-4503\Sheet 11.dgn
HDR DAVID W. GIBERT, P.E. 10000 W. BUCKLE WALKER 4408 3307 N. W. 11th Street, Suite 250 Tampa, FL 33607-5755 CERTIFICATE OF AUTHORIZATION 403		PROPOSED IMPACTS SEGMENT B

REVISIONS		
DATE	DESCRIPTION	BY



SAJ-2007-4503 (IP-JPF)
 FL DOT District 1
 Sheet 12 of 32
 March 13, 2008

<div> <div>DATE</div> <div>BY</div> </div>		<div> <div>DESCRIPTION</div> </div>		<div> <div>STATE OF FLORIDA</div> <div>DEPARTMENT OF TRANSPORTATION</div> <div>ROAD NO. 93</div> <div>COUNTY LEE</div> <div>FINANCIAL PROJECT ID 420655-1-52-01</div> </div>		<div> <div>PROPOSED IMPACTS</div> <div>SEGMENT B</div> </div>		<div> <div>SHEET NO. 63</div> <div>6/1/2007 2:03:29 PM C:\working\74\4503\7188\MAJOR\B\B12.dgn</div> </div>	
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THREE OAKS PKWY
FUTURE ALIGNMENT
(LEE COUNTY)

20' UTILITY EASEMENT

WETLAND W-5
SPRINK & USACE
JURISDICTIONAL LIMITS

LIMITS OF CONSTRUCTION

WETLAND W-3
SPRINK & USACE
JURISDICTIONAL LIMITS

LIMITS OF CONSTRUCTION

WETLAND W-3
SPRINK & USACE
JURISDICTIONAL LIMITS

LIMITS OF CONSTRUCTION

WETLAND W-3
SPRINK & USACE
JURISDICTIONAL LIMITS

LIMITS OF CONSTRUCTION

WETLAND W-3
SPRINK & USACE
JURISDICTIONAL LIMITS

LIMITS OF CONSTRUCTION

WETLAND W-3
SPRINK & USACE
JURISDICTIONAL LIMITS

LIMITS OF CONSTRUCTION

WETLAND W-3
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JURISDICTIONAL LIMITS

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JURISDICTIONAL LIMITS

LIMITS OF CONSTRUCTION

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SPRINK & USACE
JURISDICTIONAL LIMITS

LIMITS OF CONSTRUCTION

WETLAND W-3
SPRINK & USACE
JURISDICTIONAL LIMITS

LIMITS OF CONSTRUCTION

WETLAND W-3
SPRINK & USACE
JURISDICTIONAL LIMITS



LA R/W LINE

LA R/W LINE

LA R/W LINE

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MATCHLINE STA 333+00

MATCHLINE STA 319+00

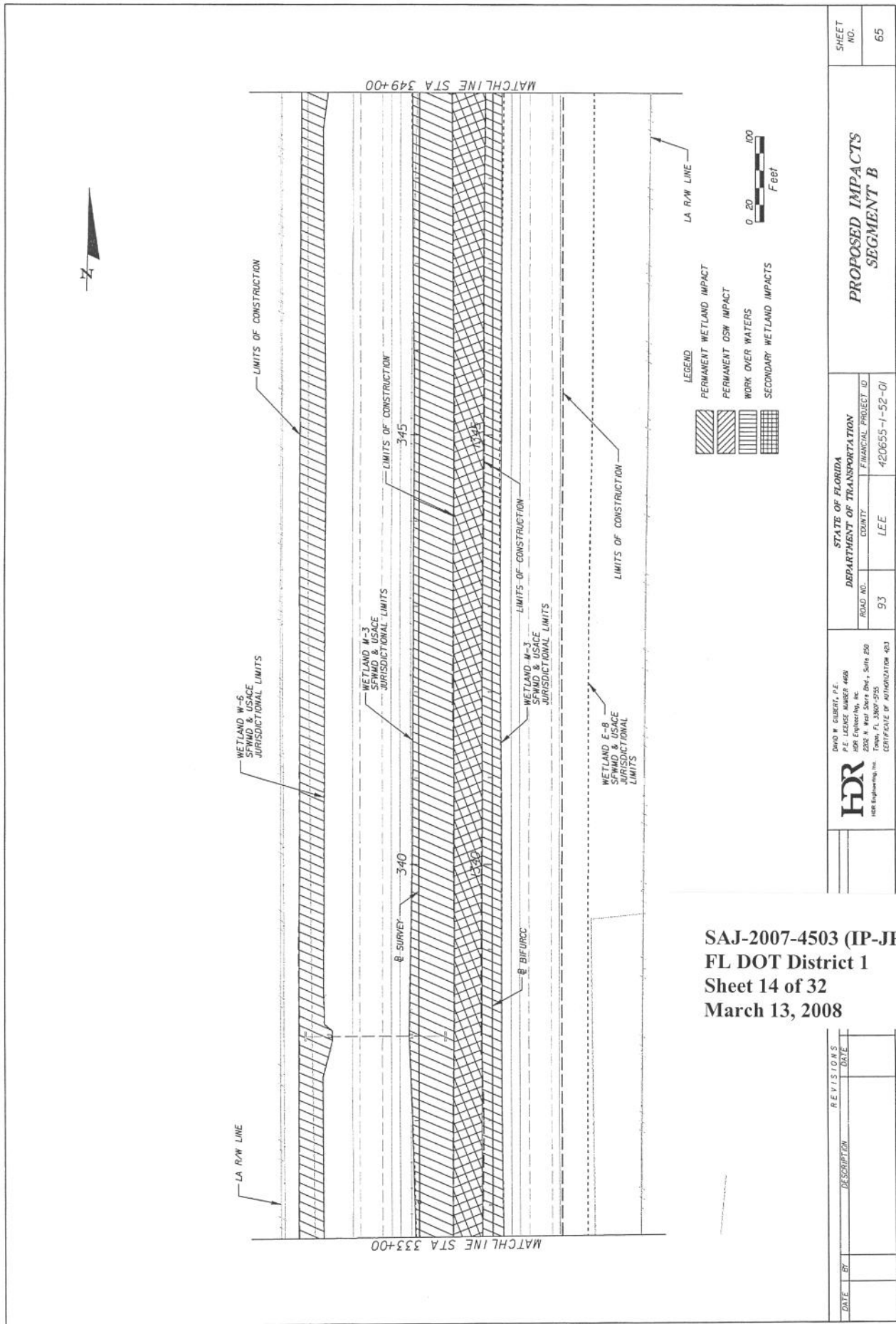


SAJ-2007-4503 (IP-JPF)
FL DOT District 1
Sheet 13 of 32
March 13, 2008

DATE	BY	DESCRIPTION	REVISION
			001

HDH DAVID H. GILBERT, P.E. P.E. LICENSE NUMBER 4468 2008 N. Royal Oaks Blvd., Suite 250 Fort Lauderdale, FL 33307-5255 CERTIFICATE OF AUTHORIZATION 4021				STATES OF FLORIDA DEPARTMENT OF TRANSPORTATION ROAD NO. 93 COUNTY LEE FINANCIAL PROJECT ID 420655-1-52-01		PROPOSED IMPACTS SEGMENT B	SHEET NO. 64
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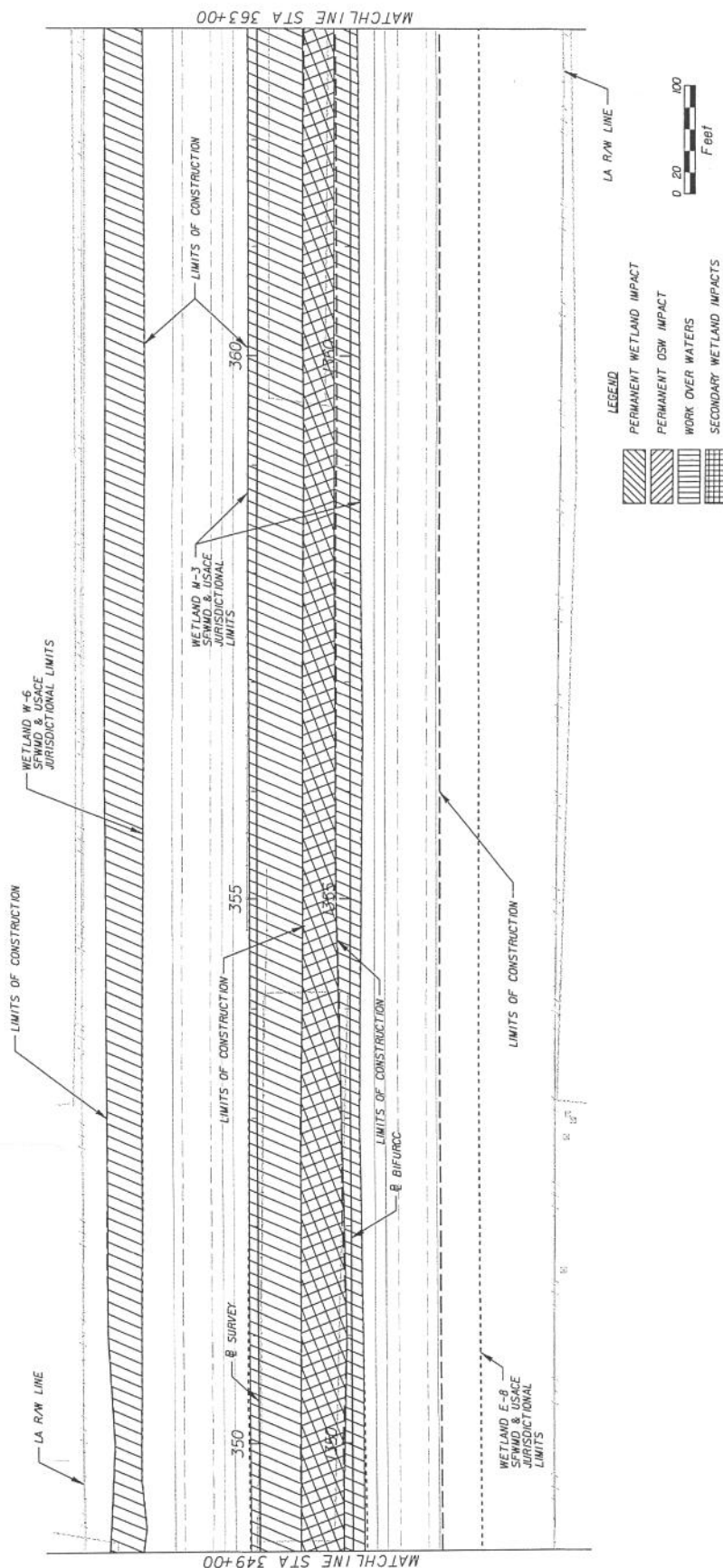
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SAJ-2007-4503 (IP-JPF)
 FL DOT District 1
 Sheet 14 of 32
 March 13, 2008


STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ROAD NO. 93 COUNTY LEE FINANCIAL PROJECT ID 420655-1-52-01		SHEET NO. 65
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REVISIONS	
DATE	DESCRIPTION



REVISIONS			STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		FINANCIAL PROJECT ID	SHEET NO.
DATE	BY	DESCRIPTION	RD NO.	COUNTY		
			93	LEE	420655-1-52-01	66

DAVID R. GIBBERT, P.E.
P.E. LICENSE NUMBER 4460
HDR Engineering, Inc.
2202 N. West Shore Blvd., Suite 250
Tampa, FL 33607-5955
HDR Engineering, Inc.
CERTIFICATE OF AUTHORIZATION 423

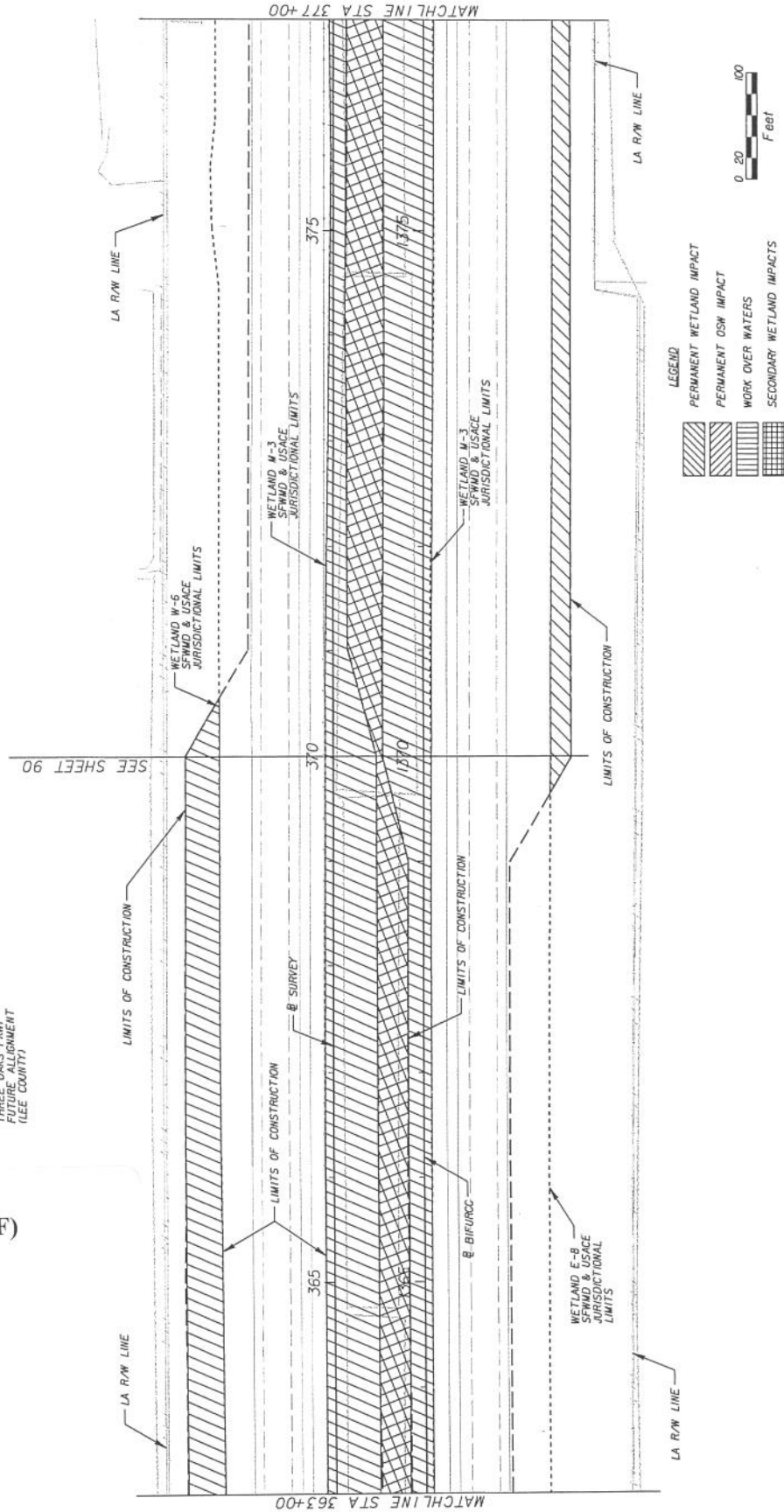


**PROPOSED IMPACTS
SEGMENT B**

SAJ-2007-4503 (IP-JPF)
 FL DOT District 1
 Sheet 16 of 32
 March 13, 2008



THREE OAKS PKWY
 FUTURE ALIGNMENT
 (LEE COUNTY)



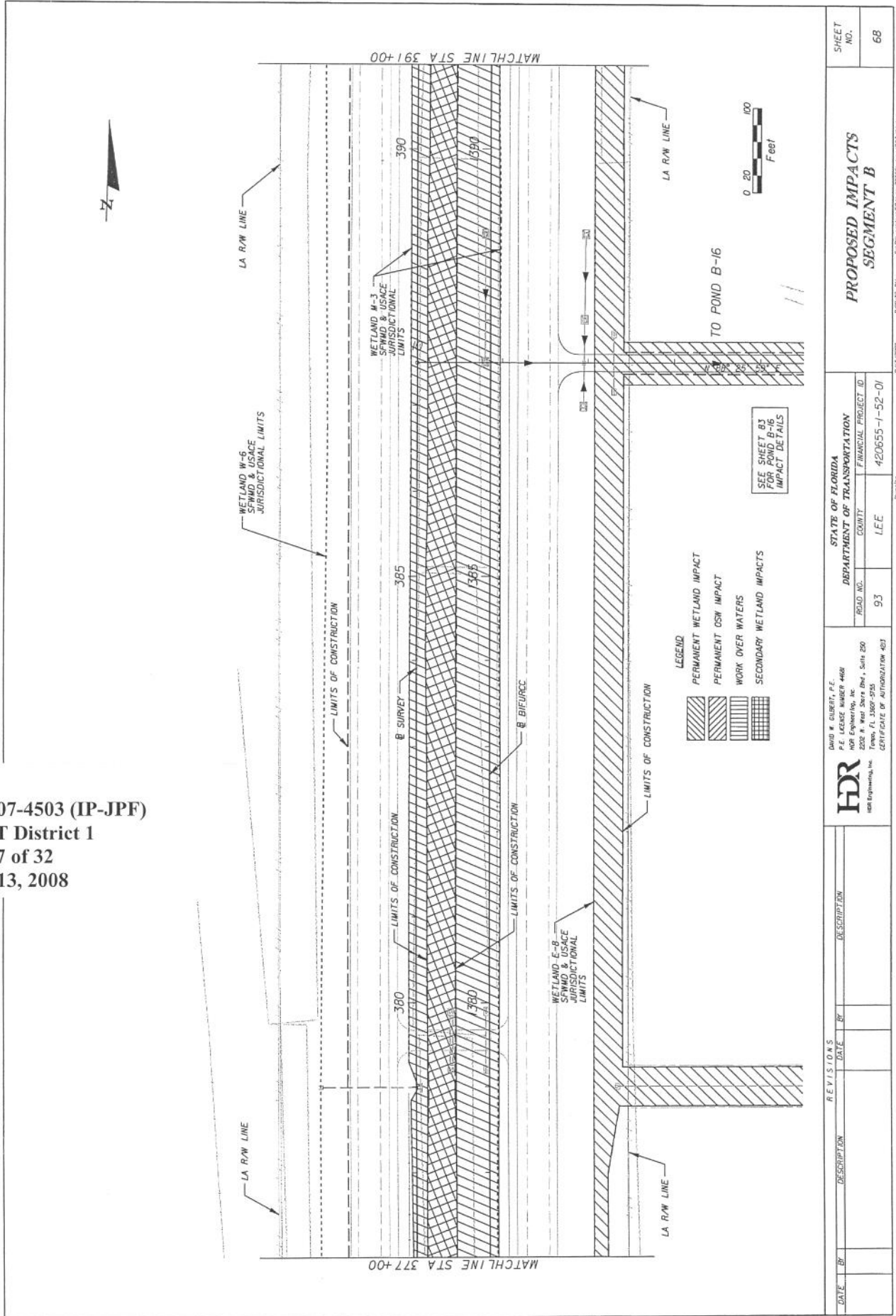
DATE	BY	DESCRIPTION	REVISIONS	DATE	BY	DESCRIPTION

HR
 HON Engineering, Inc.
 2000 N. 1st Street, Suite 200
 Fort Lauderdale, FL 33304
 P.E. LICENSE NUMBER 4400
 P.E. LICENSE NUMBER 4400
 HON Engineering, Inc.
 2000 N. 1st Street, Suite 200
 Fort Lauderdale, FL 33304
 P.E. LICENSE NUMBER 4400
 P.E. LICENSE NUMBER 4400

STATE OF FLORIDA
 DEPARTMENT OF TRANSPORTATION
 ROAD NO. 93
 COUNTY LEE
 FINANCIAL PROJECT ID 420655-1-52-01

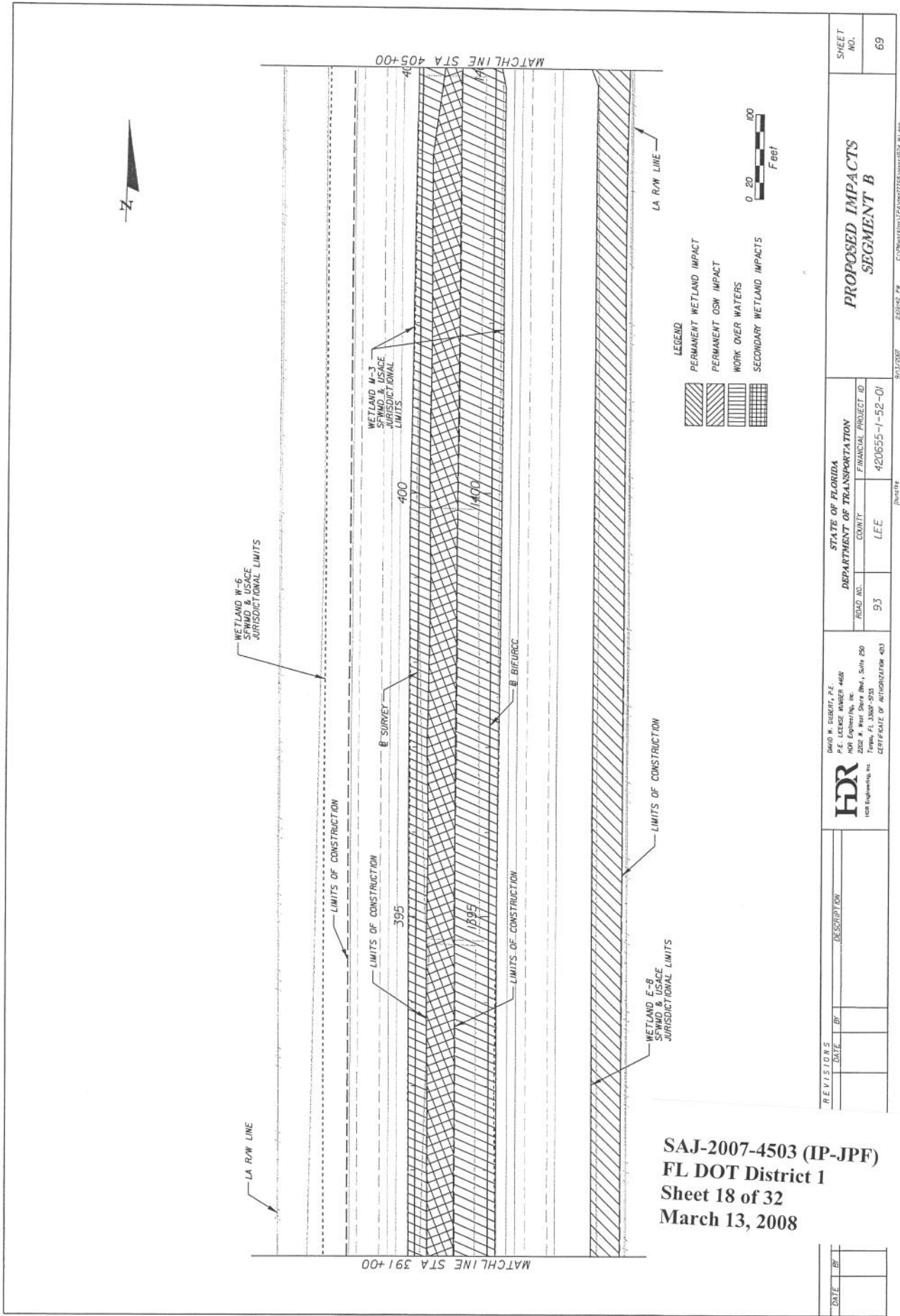
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 SEGMENT B
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SAJ-2007-4503 (IP-JPF)
 FL DOT District 1
 Sheet 17 of 32
 March 13, 2008

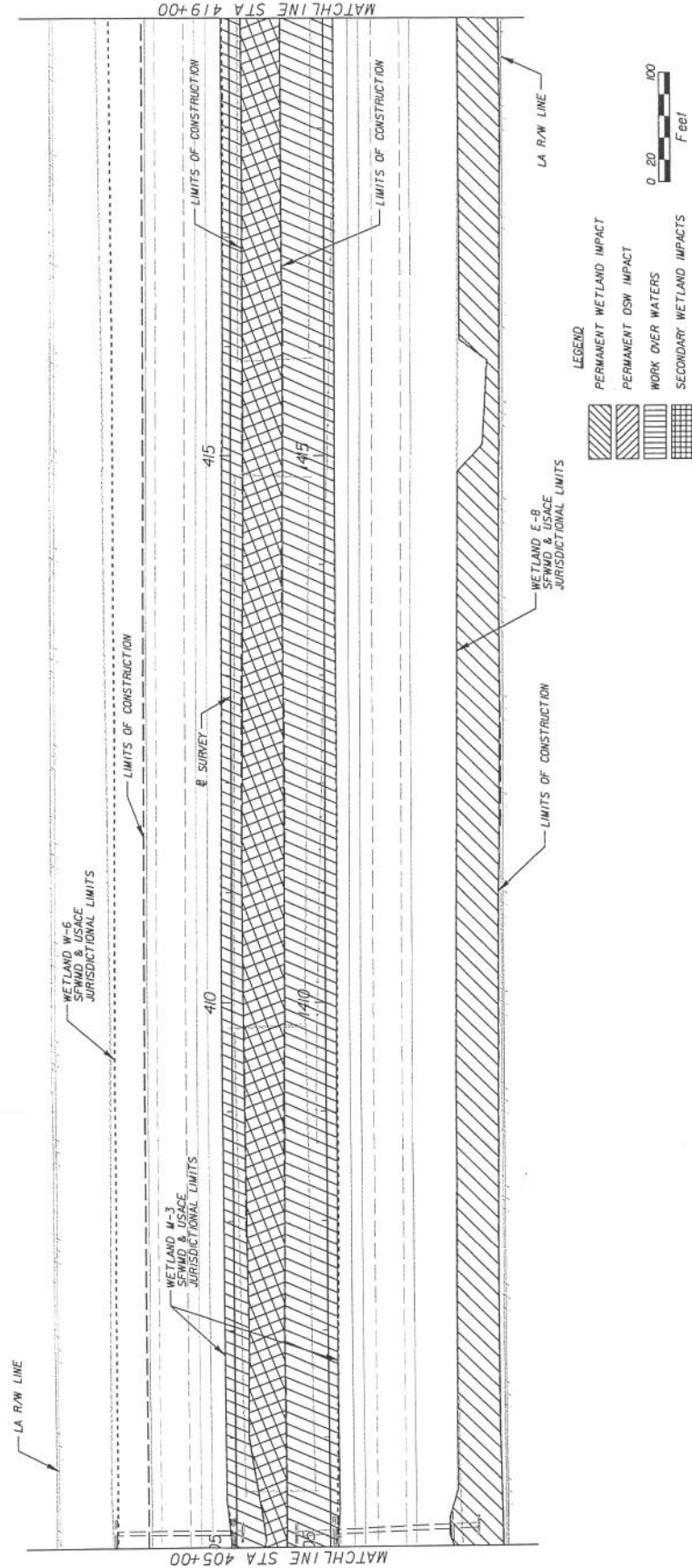


REVISIONS		DESCRIPTION		DATE		BY	

HR DAVID M. CLIBERT, P.E. P.E. LICENSE NUMBER 4468 HDR Engineering, Inc. 2202 N. West Shore Blvd., Suite 220 Tampa, FL 33607-2550 CERTIFICATE OF AUTHORIZATION 403		STATES OF FLORIDA DEPARTMENT OF TRANSPORTATION ROAD NO. 93 COMMITTEE I.E.E. FINANCIAL PROJECT ID 420655-1-52-01	PROPOSED IMPACTS SEGMENT B	SHEET NO. 68
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SAJ-2007-4503 (IP-JPF)
 FL DOT District 1
 Sheet 19 of 32
 March 13, 2008



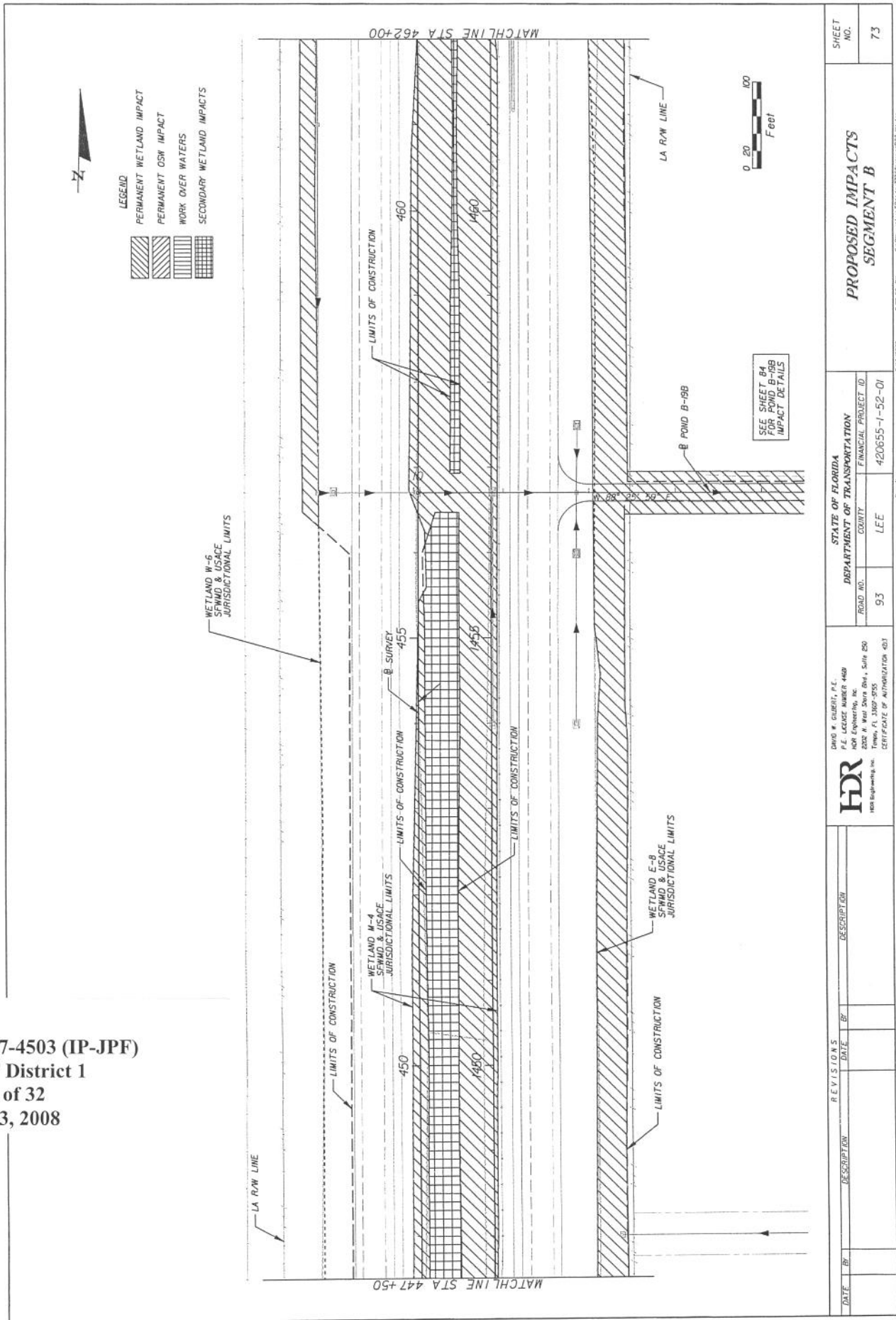
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION

HDR
 HEN Engineering, Inc.
 2001 West 1st Ave., Suite 200
 Tampa, FL 33609-5915
 CERTIFICATE OF AUTHORIZATION 403


STATE OF FLORIDA
 DEPARTMENT OF TRANSPORTATION
 ROAD NO. 93
 COUNTY LEE
 FINANCIAL PROJECT ID 420655-1-52-01

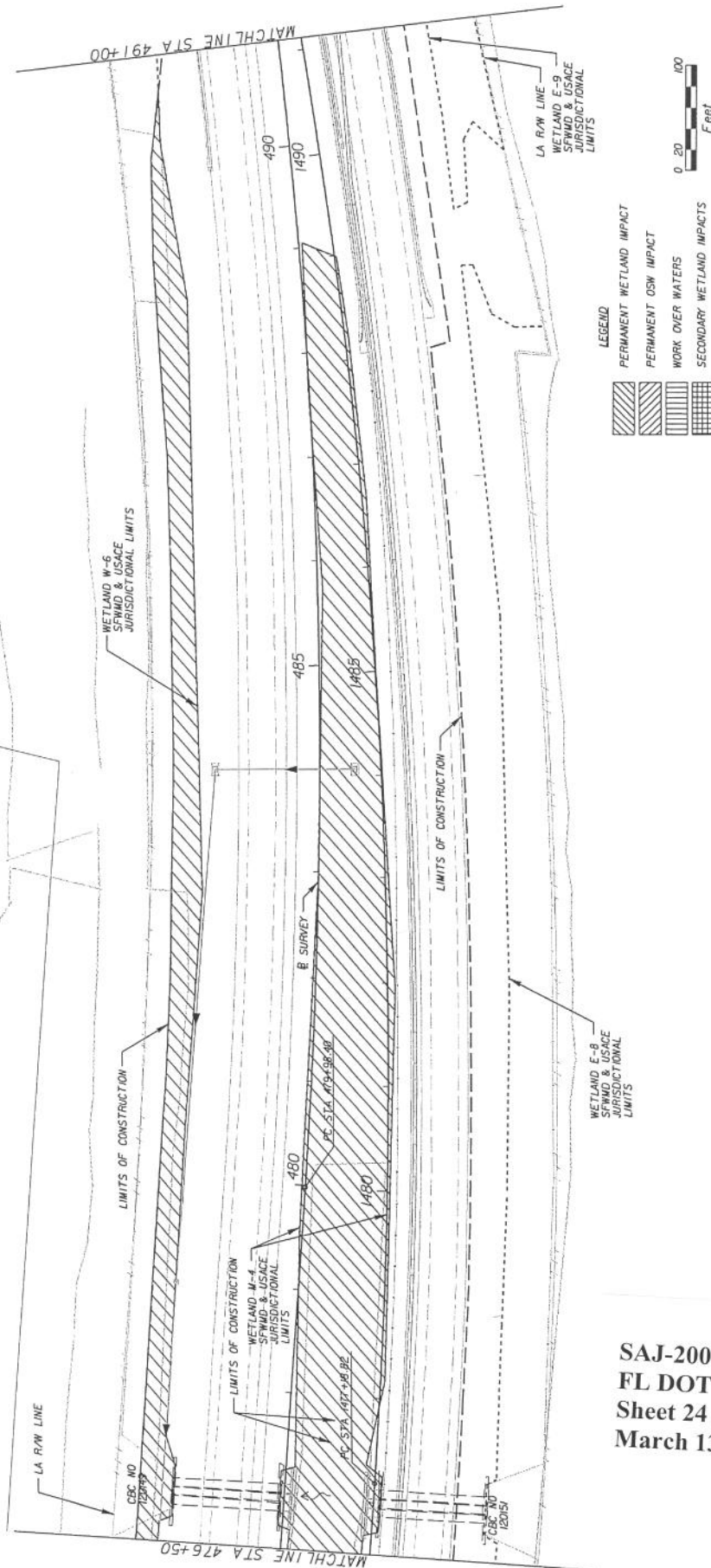
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SAJ-2007-4503 (IP-JPF)
 FL DOT District 1
 Sheet 22 of 32
 March 13, 2008



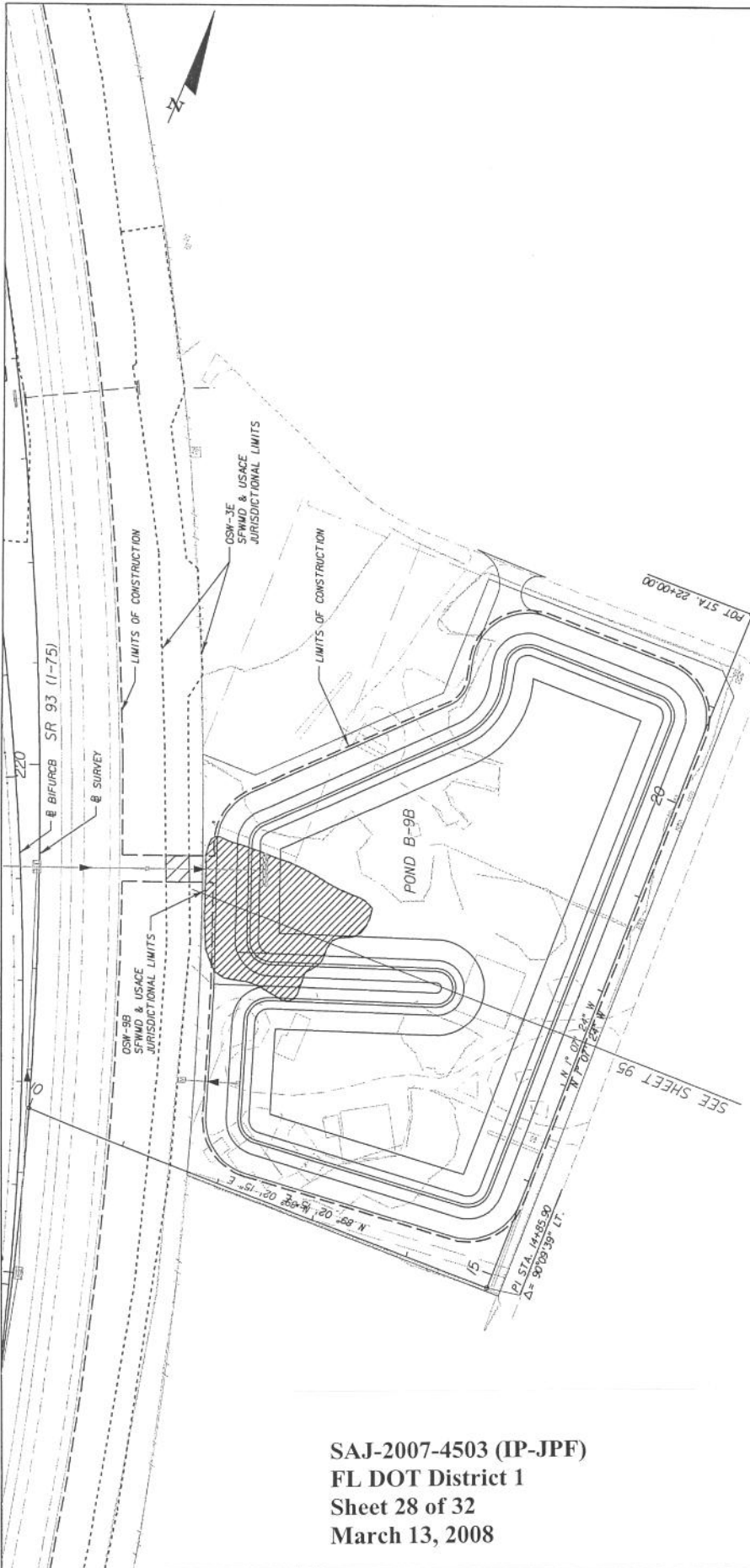
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DATE		RF	REVISIONS		DESCRIPTION	 <p>DAVID M. GURENT, P.E. P.E. LICENSE NUMBER 44681 HDR Engineering, Inc. 2525 N. West Shore Blvd., Suite 250 Tampa, FL 33609-5935 HDR Engineering, Inc. CERTIFICATE OF AUTHORIZATION 603</p>	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FINANCIAL PROJECT ID		COUNTY LEE ROAD NO. 93 4206555-1-52-01	PROPOSED IMPACTS SEGMENT B	SHEET NO.
DATE		RF	REVISIONS				74				



SAJ-2007-4503 (IP-JPF)
FL DOT District 1
Sheet 24 of 32
March 13, 2008

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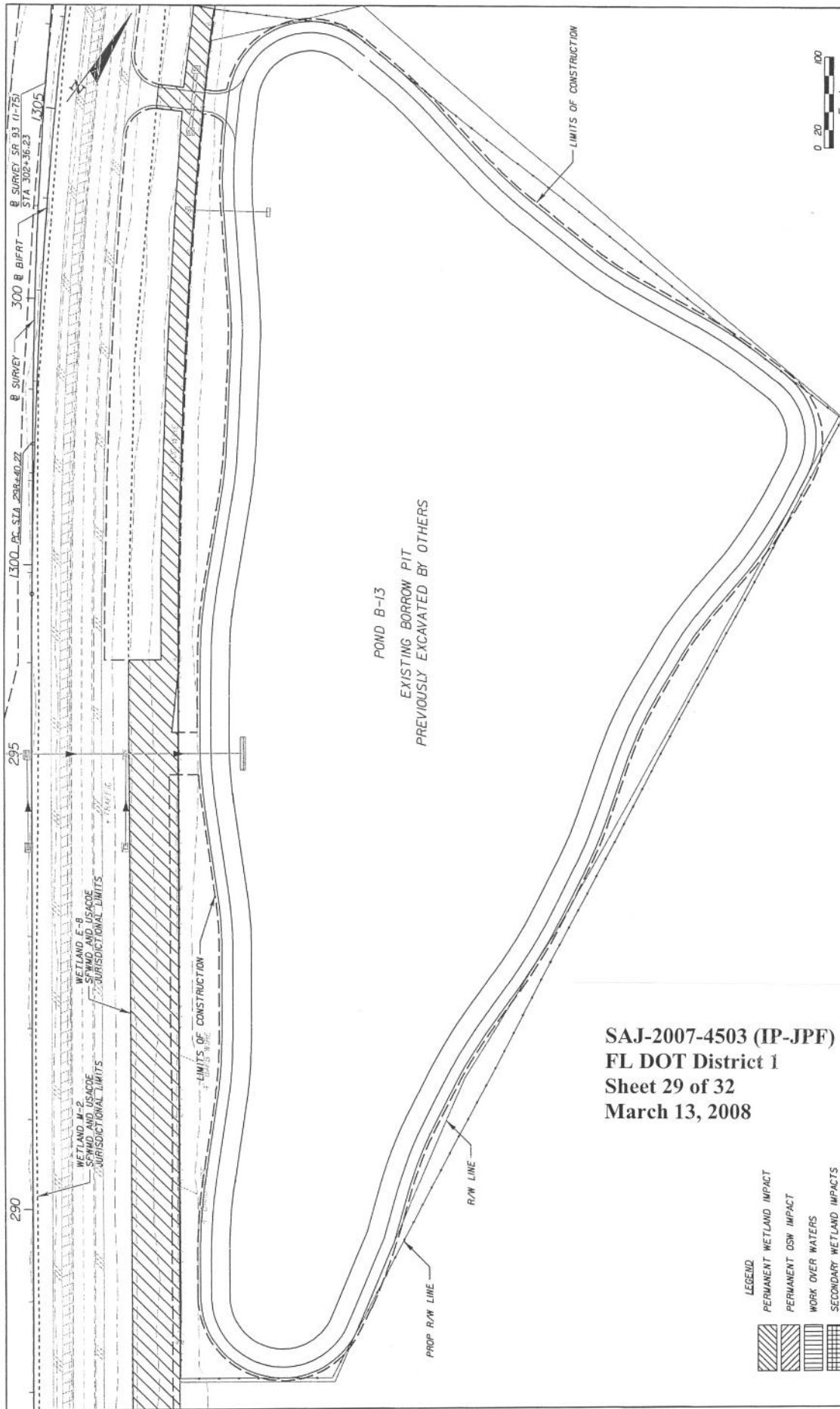
- LEGEND**
- PERMANENT WETLAND IMPACT
 - PERMANENT OSW IMPACT
 - WORK OVER WATERS
 - SECONDARY WETLAND IMPACTS



SAJ-2007-4503 (IP-JPF)
 FL DOT District 1
 Sheet 28 of 32
 March 13, 2008

DATE		BY	DESCRIPTION	REVISIONS	
				DATE	BY
<div> <div> </div> <div> <small> NICHOLAS J. STANLEY, P.E. P.E. LICENSE NUMBER 3688 HDR Engineering, Inc. 2002 North West Shores, Suite 250 Tampa, FL 33607-5791 CERTIFICATE OF AUTHORIZATION #03 </small> </div> </div>					
STATES OF FLORIDA DEPARTMENT OF TRANSPORTATION			ROAD NO. 93	COUNTY LEE	FINANCIAL PROJECT ID 420655-1-52-01
PROPOSED IMPACTS SEGMENT B POND B-9B					SHEET NO. 80

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SAJ-2007-4503 (IP-JPF)
 FL DOT District 1
 Sheet 29 of 32
 March 13, 2008

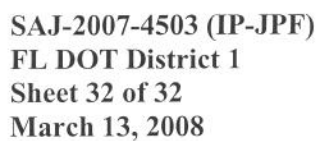
LEGEND


	PERMANENT WETLAND IMPACT
	PERMANENT DSW IMPACT
	WORK OVER WATERS
	SECONDARY WETLAND IMPACTS

DATE	BY	DESCRIPTION	REVISION

		ALFONSO J. STEWART, P.E. P.E. LICENSE NUMBER 3848 HDR Engineering, Inc. 2505 North Paul Street, Suite 250 Tampa, FL 33607-5070 CERTIFICATE OF AUTHORIZATION 403	
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		FINANCIAL PROJECT ID 420655-1-52-01	
ROAD NO.	COUNTY	SHEET NO.	
93	LEE	81	
PROJECT NO. 420655-1-52-01		PROPOSED IMPACTS SEGMENT B POND B-13	

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DATE		BY	DESCRIPTION		REVISIONS		 ALPHONSE J. STEWART, P.E. P.E. LICENSE NUMBER 34049 HDR Engineering, Inc. 2502 North West 24th Street, Suite 250 Fort Lauderdale, FL 33309 Phone: 754/561-4500 Fax: 754/561-4501 E-mail: alphonse.stewart@hdr.com		STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ROAD NO. 93 COUNTY LEE FINANCIAL PROJECT ID 420655-1-52-01		PROPOSED IMPACTS SEGMENT B POND B-19B		SHEET NO. 84
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March 24, 2008

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and Statement of Finding for Above-Numbered Permit Application

1. Applicant: FDOT District One
801 North Broadway Avenue
Bartow, FL 33830
2. Location, Geographic Position, Existing Conditions, Project Description, Changes to Project:
 - a. Location: The project site involves proposed impacts to the Imperial River and unnamed waters of the United States located along I-75 from the Collier County/Lee County line to south of Corkscrew Road, in Sections 35 and 36, Township 46 South, Range 25 East, Sections 1, 2, 11, 12, 13, 14, 24, 25, and 36, Township 47 South, Range 25 East, 30 and 31, Township 47 South, Range 23 East, Section 1, Township 48 South, Range 25 East, and Section 6, Township 48 South, Range 26 East, in Lee County, Florida.
 - b. Latitude/Longitude:

Latitude 26.389 N
Longitude -81.773 W
 - c. Existing Site Conditions: The project area includes approximately 29.02 acres of surface waters (jurisdictional ditches and open waterbodies) and 133.74 acres of wetlands within the project boundaries. The majority of the wetlands have been impacted to at least some degree by adjacent development, hydrology changes, and infestation by exotic species such as *Melaleuca*.
 - d. Initial Project Description As Shown on the Application: The applicant proposes to permanently impact approximately 3.53 acres of surface waters and 79.1 acres of wetlands to construct two additional travel lanes along an approximately 8-mile section of I-75, with attendant stormwater management facilities. The impacts include 1.11 acres of impacts to scrub-shrub wetlands, 52.49 acres of impacts to forested wetlands and 25.5 acres of impacts to herbaceous wetlands. The applicant states that the project design reflects all practicable measures for avoidance and minimization of impacts, including for the siting of the stormwater management system. As mitigation for the project impacts, the applicant proposes to purchase credits at an appropriate mitigation bank.
 - e. Final Project Description: The applicant clarified that they will purchase 3.33 freshwater forested wetland credits from the Corkscrew Regional Mitigation Bank and 28.36 credits (21.07 freshwater forested and 7.29 freshwater herbaceous) credits from the Big Cypress

Mitigation Bank. The inclusion of culverts within the project boundary was discussed during the evaluation process but they are not being pursued at this time. Otherwise, the final project description is the same as the initial project description.

3. Project Purpose:
 - a. Basic: To widen a section of an interstate highway from four lanes to six lanes to provide improved transportation capacity.
 - b. Overall: To widen an approximately 8-mile long segment of I-75 in Lee County from four lanes to six lanes to meet a need for additional transportation capacity in that area and adjacent areas
4. Scope of Analysis: The overall area under consideration measures approximately 408.23 acres, including the waters of the United States described above.
5. Statutory Authority: Section 404 of the Clean Water Act (33 U.S.C. 1344), as amended.
6. Other Federal, State, and Local Authorizations Obtained or Required and Pending:
 - a. State water quality certification (WQC): The South Florida Water Management District issued Environmental Resource Permit (ERP) modification number 36-03802-P for the project to the applicant on February 14, 2008.
 - b. Coastal Zone Management (CZM) consistency/permit: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida CZM. Issuance of a DEP/WMD permit will certify that the project is consistent with the CZM plan.
 - c. Other authorizations: No information has been received regarding any other authorizations that may be required.
7. Date of Public Notice and Summary of Comments:
 - a. Pre-application meeting(s): The Corps met with the applicant on March 21, 2007, to discuss the overall I-75 Design-Bid-Build projects, including Segment B as addressed in this document. Topics included water quality treatment, the project corridor, stormwater pond siting, proposed wetland/surface water impacts, listed species, and the project schedule.
 - b. Important dates: The Corps received the application for the project and considered the

application complete on August 06, 2007, and sent a public notice on September 20, 2007, to all interested parties including appropriate State and Federal agencies.

c. Public notice comments: The Corps has reviewed all of the comments submitted in response to the circulation of the public notice. The Corps has summarized these comments below:

- (1) U.S. Environmental Protection Agency (EPA): EPA did not respond to the public notice.
- (2) U.S. Fish and Wildlife Service (USFWS): The USFWS responded to the public notice and the Corps' request for informal coordination on January 22, 2008. The USFWS concurred with the Corps' 'may affect, not likely to adversely affect' determination for the Florida panther, eastern indigo snake, and wood stork, and stated that the proposed mitigation was adequate to compensate for the loss of wetlands resulting from the project.
- (3) National Marine Fisheries Service (NMFS): National Marine Fisheries Service (NMFS): The NMFS responded to the public notice on October 17, 2007. The NMFS stated that the project would not directly impact any NMFS trust resources and recommended that the stormwater treatment systems address runoff from the proposed widened road to protect estuarine and marine habitats within the system.
- (4) State Historic Preservation Officer (SHPO): The SHPO did not respond to the public notice.
- (5) State and local agencies: NA
- (6) Organizations: NA
- (7) Individuals: NA
- (8) Others Including Internal Coordination: NA

d. Response to the comments: No coordination of the comments was necessary.

e. Additional Coordination of Project Revisions: No other coordination was necessary.

8. Alternatives

a. Avoidance: The current proposal has taken into consideration avoidance. The project site was the most practicable location for the activity. The new travel lanes and a majority of the stormwater drainage and conveyance system will be constructed in the median of the existing roadway, avoiding higher-quality wetlands on either side of the existing alignment. Where there are impacts on the outside of the alignment, such as for stormwater ponds, the applicant designed the project to impact the lowest-quality areas possible, such as borrow pits or areas of high exotic plant species coverage.

b. Minimization: The project was planned and designed with a view to minimizing impacts to wetland resources, including using the maximum side slopes possible to minimize the fill footprint. Construction measures proposed to minimize impacts include placement of silt-screen barriers around wetlands adjacent to work areas, labeling the unimpacted wetlands on on-site construction plans, and implementing erosion control and discharge prevention measures.

c. Project As Proposed: The current project requires the placement of fill into waters of the United States to allow the applicant to address the need for improved infrastructure and public safety.

d. Conclusions of Alternatives Analysis: The applicant has provided an acceptable mitigation plan to compensate for unavoidable wetland impacts. The proposed purchase of 3.33 freshwater forested wetland credits from the Corkscrew Regional Mitigation Bank and 28.36 credits (21.07 freshwater forested and 7.29 freshwater herbaceous) credits from the Big Cypress Mitigation Bank will offset the wetland functional loss described in the functional analysis. The current proposal of 82.63 acres of impacts to wetlands and surface waters is the least damaging, practicable alternative.

9. Evaluation of the 404(b)(1) Guidelines: The Corps reviewed the proposed project in accordance with the 404(b)(1) Guidelines. The review demonstrates that the Corps analyzed all of the alternatives and that the proposed alternative is the least environmentally damaging and practicable alternative considering expense, existing technology, and logistics. The project would not cause or contribute to violations of State Water quality standards, jeopardize the existence of any endangered species or affect a marine sanctuary. The Corps does not expect significant degradation and the applicant has taken all available practicable steps to minimize impacts.

10. Public interest review:

a. Public interest factors: The Corps reviewed all of the public interest factors including, but not limited to, the effects the work might have on conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, land use, navigation, shore erosion and accretion, recreation, water quality, safety, and consideration of property ownership. The Corps has determined that the proposed work will not adversely affect any of the public interest factors.

b. Describe the relative extent of the public and private need for the proposed structure or work: Public and private needs include improved transportation infrastructure.

c. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the purposed work where there are unresolved conflicts as to resource use: There are no unresolved conflicts regarding resource use.

d. Describe the extent and permanence of the beneficial and/or detrimental effects, which the proposed work is likely to have on the public, and private uses to which the area is suited: Detrimental impacts are expected to be minimal although they would be permanent in the construction area. The beneficial effects associated with utilization of the property would be permanent.

e. Threatened or endangered species: The proposed project will not adversely affect any threatened or endangered species based on the information supplied by the applicant and the comments provided by the USFWS on January 22, 2008.

f. Corps wetland policy: The proposed wetland alteration is necessary to realize the project purpose. The proposed work should result in minimal adverse environmental impacts. The benefits of the project would outweigh the minimal detrimental impacts. Therefore, the project is in accordance with the Corps wetland policy.

g. Cumulative and secondary Impacts: The issue of cumulative impacts has been addressed. The proposed impacts will not result in cumulative or secondary impacts to the remaining wetlands within the general area.

h. Corps analysis of comments and responses: The Corps did not receive any comments in response to the public notice. There are no unresolved issues.

11. Essential Fisheries Habitat (EFH): The project would not adversely affect Essential Fish Habitat based on the information supplied by the applicant.

12. Public Hearing Evaluation: No requests were received for a public hearing.

13. Determinations:

a. Finding of No Significant Impact (FONSI): Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.

b. Compliance with 404(b)(1) Guidelines: Having completed the evaluation in paragraph 8 above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

c. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed de minimis levels of direct or indirect emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

CESAJ-RD-P SAJ-2007-4503 (IP-JPF)

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings for the Above-Numbered Permit Application

d. Public Interest Determination: I find that issuance of a Department of the Army permit is not contrary to the public interest.

PREPARED BY:



JOHN P. FELLOWS

Project Manager

Special Projects & Enforcement Branch

REVIEWED BY:

APPROVED BY:



LOREN M. MASON
Chief, Special Projects
& Enforcement Branch



PAUL L. GROSSKRUGER
Colonel, Corps of Engineers
Commanding